



New South Wales

# Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020

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# Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020

## Notes.

- 1 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.
- 2 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
- 3 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.

## Part 1 Introduction

### 1 Name of Plan

This Plan is the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020 (this Plan)*.

### 2 Nature and status of Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000 (the Act)*.
- (2) This Plan is a plan for water sharing and generally deals with matters set out in sections 20 and 21 of the Act, as well as other sections of the Act.

**Note.** Where a provision of this Plan is made for the purposes of another section of the Act, the section is referred to in the notes to this Plan.

### 3 Commencement

This Plan commences on 1 July 2020.

#### Notes.

- 1 This Plan replaces the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003*.
- 2 In accordance with section 43 of the Act this Plan will have effect for 10 years from 1 July 2020. In accordance with section 43A of the Act, the Minister may extend this Plan for a further period of 10 years after it is due to expire.
- 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. 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 Application of this Plan

- (1) This Plan applies to the Upper Namoi Regulated River Water Source and the Lower Namoi Regulated River Water Source within the Namoi Water Management Area (*the water sources*).

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

- (2) The water in the Upper Namoi Regulated River Water Source consists of:
  - (a) the water between the banks of all rivers and parts of rivers, from Split Rock Dam water storage downstream to Keepit Dam water storage, that have been declared by the Minister to be a regulated river, and
  - (b) the water taken under a floodplain harvesting activity for which a floodplain harvesting (regulated river) access licence has or will be issued in the Upper Namoi Regulated River Water Source.
- (3) The water in the Lower Namoi Regulated River Water Source consists of:
  - (a) the water between the banks of all rivers and parts of rivers, from Keepit Dam water storage downstream to the junction of the Namoi River with the Barwon River, that have been declared by the Minister to be a regulated river, and
  - (b) the water taken under a floodplain harvesting activity for which a floodplain harvesting (regulated river) access licence has or will be issued in the Lower Namoi Regulated River Water Source.

**Notes.**

- 1 The *Namoi Water Management Area Regulated River Order* was made by the Minister and published in the New South Wales Government Gazette No 110 on 1 July 2004 at page 5484 and amended as set out in paragraph 24 of Schedule 12 to the Act. An overview map of the water sources is at Appendix 1.
- 2 **Floodplain harvesting** is defined in the Dictionary.
- 3 The water sources do not include the following:
  - (a) the Namoi Unregulated River Water Sources to which the *Water Sharing Plan for the Namoi Unregulated River Water Sources 2012* applies,
  - (b) the Namoi Alluvial Water Sources to which the *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020* applies.

## 5 Interpretation

- (1) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations made under the Act have the same meaning in this Plan.
- (2) Words and expressions that are defined in the Dictionary at the end of this Plan have the meaning set out in that Dictionary.
- (3) Unless otherwise specified, a reference to the *Water Sharing Plan for the Namoi Unregulated River Water Sources 2012* includes a reference to any plan that replaces that plan.
- (4) Unless otherwise specified, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (5) The Dictionary and Schedules to this Plan form part of this Plan.
- (6) A number in brackets following the name of a gauge is the gauge number.
- (7) Notes in the text of this Plan do not form part of this Plan.

- (8) Appendices to this Plan do not form part of this Plan.

## Part 2 Vision, objectives, strategies and performance indicators

### Notes.

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 Monitoring, evaluation and reporting (MER) plans have been developed for these water sources and are available on the Departments website. The MER plans describe the following:
  - (a) guidelines and principles for developing broad and targeted objectives, strategies and performance indicators
  - (b) selection criteria used to identify target ecological populations and identify whether they are managed under this Plan, the Namoi Long-term Water Plan, or both plans
  - (c) selection criteria for identifying priority monitoring locations for targeted objectives
  - (d) selection criteria used to identify external influences that may affect the success of achieving objectives or implementing strategies
  - (e) selection criteria used to determine how the objectives to protect or enhance will be measured for different target populations and performance indicators.
- 3 This Part describes broad objectives, which are the long term outcomes of this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives described in the 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

### 6 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.

### 7 Vision statement

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

- (a) the health and enhancement of the water source and its water dependent ecosystems,
- (b) the productive and economically efficient use of water resources,
- (c) the social and cultural benefits to urban and rural communities that result from the sustainable and efficient use of water,
- (d) the spiritual, social, customary and economic benefits to Aboriginal communities that result from the sustainable and efficient use of water.

### 8 Environmental objectives

- (1) The broad environmental objective of this Plan is to protect and, where possible, enhance the ecological condition of the water source and its water dependent ecosystems (such as instream, riparian and floodplain ecosystems) over the term of this Plan.

**Note.** The ecological condition of the water source includes high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions as defined

(2) The targeted environmental objectives of this Plan are as follows:

(a) to protect and, where possible, enhance the following over the term of this Plan:

(i) the recorded distribution or extent, and the population structure of, target ecological populations,

**Notes.**

- 1 **Target ecological populations** is defined in the Dictionary
- 2 Target ecological populations in the water sources include known or predicted populations of:
  - (a) native fish including golden perch, silver perch, eel-tailed catfish, and Murray cod,
  - (b) native vegetation including river red gum woodland, black box-coolibah woodland and carbeen woodland,
  - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds and native vegetation.
- 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.

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

**Notes.**

- 1 Target ecological processes in the water sources include:
  - (a) carbon and nutrient transport pathways, which are the connected networks of streams, riparian zones, floodplains and wetlands that transport dissolved and suspended organic material and nutrients throughout the water source
  - (b) fish movement across significant barriers, as identified by NSW Department of Primary Industries Fisheries and described in the MER Plan for the water sources.
- 2 Connectivity may be within the water sources, between the water sources and water sources in the *Water Sharing Plan for the Namoi Unregulated River and Peel unregulated Water Sources 2012* or the *Water Sharing Plan for the Barwon-Darling Unregulated Water Source*.

(iii) water quality within target ranges for the water source to support water dependent ecosystems and ecosystem functions,

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

(3) The strategies for reaching the targeted environmental objectives of this Plan are the following:

(a) reserve all water in excess of the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment,

**Note.** Part 4 of this Plan reserves all water remaining above the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment.

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

**Notes.**

- 1 **Flow regimes** is defined in the Dictionary.
- 2 The provisions in clause 45 of this Plan partially mitigate the alterations to low and medium flows in the natural flow regimes of the Lower Namoi Regulated River Water Source by protecting a portion of tributary flows.
- 3 The provisions in clause 48 of this Plan partially mitigate the alterations to medium and high flows in the natural flow regime of the water sources by requiring that extraction should not exceed 10% of the supplementary event between 1 July and 31 October, and 50% of the supplementary event volume to be protected between 1 November and 30 June.
- 4 The provisions in clause 55 of this Plan ensure that a portion of natural flows are maintained, through to the Namoi River at Walgett, between June and August.

- (c) reserve a portion of natural flows to maintain hydrological connectivity between the water source and riparian zones, wetlands and floodplains connected to the water source,

**Notes.**

- 1 The provisions in clause 45 of this Plan maintain the hydrological connectivity within and between water sources by protecting a portion of low, medium and high natural flows.
- 2 The provisions in clause 48 of this Plan maintain the hydrological connectivity within and between water sources by requiring that extraction should not exceed 10% of the supplementary event between 1 July and 31 October, and 50% of the supplementary event volume to be protected between 1 November and 30 June.
- 3 The provisions in clause 55 of this Plan maintain the hydrological connectivity within and between water sources by requiring that a portion of natural flows are maintained, through to the Namoi River at Walgett, between June and August.

- (4) The performance indicator used to measure the success in reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted environmental objectives in subclause (2) have contributed to achieving the broad objective.

- (5) The performance indicators used to measure the success in achieving the targeted environmental objectives in subclause (2) are the changes or trends in ecological condition during the term of this Plan, including the following:

- (a) the recorded range or extent of target ecological populations,
- (b) the recorded condition of target ecological populations,
- (c) measurements of fish movements through priority fish passage areas,
- (d) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen,
- (e) the extent to which the strategies in subclause (3) have provided flow conditions of sufficient magnitude, frequency, timing and water quality to achieve targeted environmental objectives.



- (6) In evaluating the effectiveness of the strategies in meeting the objectives of this clause, the following will be relevant:
- (a) the extent to which changes in the performance indicators can be attributed to the strategies and rules in this Plan,
  - (b) the extent to which the strategies and rules in this Plan have been implemented and complied with.
  - (c) the extent to which external influences on these water sources have affected progress toward achieving the environmental objectives
- Note.** External influences may include long and short-term climate trends, land use patterns and other factors.

## 9 Economic objectives

- (1) The broad economic objective of this Plan is to maintain access to water to optimise economic benefits for irrigation, water dependent industries and local economies.
- (2) The targeted economic objectives of this Plan are as follows:
- (a) maintain and, where possible improve, water trading opportunities for water-dependent economic activities,  
**Note.** Trading is a generic term referring to dealings under Division 4 of Part 2 of Chapter 3 of the Act.
  - (b) maintain or enhance access to water, up to the extraction limit, for agriculture, business and landholders,
  - (c) maintain water quality within target ranges for agriculture, business and landholders.
- (3) The strategies for reaching the targeted economic objectives of this Plan are as follows:
- (a) provide a stable and predictable framework for sharing water among water users,  
**Note.** The individual account management provisions in Part 8 and priority of extraction rules in clause 59 provide certainty in how water is to be shared between individual access licence holders and different categories of access licences.
  - (b) provide for flexibility of access to water,  
**Note.** The individual account management provisions in Part 8, including the limit on the volume of water that can be taken in any water year or over three consecutive water years, provide flexibility that reflects the characteristics of the licence category.
  - (c) manage extractions to the long-term average annual extraction limit and the long-term average sustainable diversion limit, and provide for managing extractions within those limits that recognise different climatic conditions in different years, including during drought,

**Note.** The application of the long-term average annual extraction limit and the long-term average sustainable diversion limit, and the assessment and compliance provisions in Part 6 of this Plan manage extractions to different climatic conditions in different years.

- (d) provide for trade of water allocations and entitlements within the water source, subject to environmental and system constraints,

**Note.** The provisions in Part 9 of this Plan permit a variety of dealings within environmental and system 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.

- (e) provide for access, subject to conditions and announcements, to a portion of uncontrolled flows,

**Notes.**

- 1 The provisions in Division 2 of Part 8 of this Plan describes rules that determine access to uncontrolled flows in the Upper Namoi Regulated River Water Source, and Division 3 of Part 8 of this Plan describes rules that determine supplementary water access, subject to timing and location, in the Lower Namoi.
- 2 The provisions in Division 3 of Part 8 of this Plan describe the conditions for access during supplementary water events.

- (f) reserve a portion of natural flows to partially mitigate deterioration in water quality due to alterations to natural flow regimes.

**Notes.**

- 1 The provisions in clause 45 of this Plan partially mitigate the alterations to low and medium flows in the natural flow regimes of the Lower Namoi Regulated River Water Source by protecting a portion of tributary flows.
- 2 The provisions in clause 48 of this Plan partially mitigate the alterations to medium and high flows in the natural flow regime of the water sources by requiring that prior to 1 July 2019 50% of a supplementary water event to be protected for the environment. After 30 June 2019 extraction should not exceed 10% of the supplementary event between 1 July and 31 October, and 50% of the supplementary event volume to be protected between 1 November and 30 June.
- 3 The provisions in clause 55 of this Plan ensure that a portion of natural flows are maintained, through to the Namoi River at Walgett, between June and August.

- (4) The performance indicator used to measure success in 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 success in achieving the targeted economic objectives in subclause (2) are the changes or trends in economic benefits, including the changes or trends in the following:

- (a) the economic benefits of water extraction and use, including the movement of water to higher value uses,

- (b) the economic benefits of water trading including changes or trends in the following:

- (i) the change in the unit price of water that is subject to a dealing,

- (ii) the annual total number of access licence share components subject to a dealing,
  - (iii) the weighted average price of water traded within the water source,  
**Note. Weighted average price** is defined in the Dictionary.
  - (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 of this clause, the following will be relevant:
- (a) the extent to which stakeholders have considered the operation of this Plan to be clearly explained and predictable,
  - (b) water made available during the term of this plan through available water determinations and granting of new licences,
  - (c) the extent to which changes in the economic benefits of water extraction and use can be attributed to the strategies in subclause (3) and rules in this Plan.
  - (d) external influences on the water source during the term of this Plan have affected progress towards achieving the broad objective.  
**Note.** External influences may include trends in urban, agricultural and industrial development, energy costs, commodity prices, interest rates, technology advances and changes in policy or regulation.

## 10 Aboriginal cultural objectives

- (1) The broad Aboriginal cultural objective of this Plan is to maintain and, where possible, enhance 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) provide access to water in the exercise of native title rights,  
**Note.** Clause 19 ensures the provision of water associated with any native title determinations.
  - (b) provide for water associated with Aboriginal cultural values and uses,  
**Note.** The provisions in Part 7 provide opportunities for Aboriginal people to access water by allows for the grant of access licences of the subcategory 'Aboriginal cultural'.
  - (c) protect and, where possible, enhance identified water-dependent culturally significant areas, including important riparian vegetation communities,
  - (d) maintain 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 the following:
- (a) manage access to water consistently with the exercise of native title rights,  
**Note.** Clause 19 of this Plan ensures the provision of water associated with native title determination.
  - (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 natural flows to partially mitigate alterations to natural flow regimes in the water sources,  
**Notes.**
    - 1 The provisions in clause 45 of this Plan partially mitigate the alterations to low and medium flows in the natural flow regimes of the Lower Namoi Regulated River Water Source by protecting a portion of tributary flows.
    - 2 The provisions in clause 48 of this Plan partially mitigate the alterations to medium and high flows in the natural flow regime of the water sources by requiring that extraction should not exceed 10% of the supplementary event between 1 July and 31 October, and 50% of the supplementary event volume to be protected between 1 November and 30 June.
    - 3 The provisions in clause 55 of this Plan ensure that a portion of natural flows are maintained, through to the Namoi River at Walgett, between June and August.
  - (d) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and riparian zones, and wetlands and floodplains connected to the water sources,  
**Notes.**
    - 1 The provisions in clause 45 of this Plan maintain the hydrological connectivity within and between water sources by protecting a portion of low, medium and high natural flows.
    - 2 The provisions in clause 48 of this Plan maintain the hydrological connectivity within and between water sources by requiring that extraction should not exceed 10% of the supplementary event between 1 July and 31 October, and 50% of the supplementary event volume to be protected between 1 November and 30 June.
    - 3 The provisions in clause 55 of this Plan maintain the hydrological connectivity within and between water sources by requiring that a portion of natural flows are maintained, through to the Namoi River at Walgett, between June and August.
  - (e) minimise adverse impacts of water delivery on Aboriginal cultural values and uses.  
**Note.** The provisions for water delivery and channel capacity constraints, priority of extractions for access licences and the environmental water account, rates of change to storage releases, supply of orders when remaining allocations are low and dam operation during floods and spills in Part 10 Division 2 of this Plan minimise the impact of water delivery on the community.
- (4) The performance indicator used to measure success in 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 success in achieving the targeted Aboriginal cultural objectives in subclause (2) will be evaluated as follows:
- (a) by comparing changes, or trends in, the use of water by Aboriginal people during the term of this Plan by measuring factors including:
    - (i) the extent to which native title rights are capable of being exercised, consistently with any determination of native title, and
    - (ii) the extent to which access to water has achieved Aboriginal cultural outcomes,
  - (b) by comparing changes, or trends in, the recorded range or extent of target populations of native fish
  - (c) by comparing changes, or trends in, the recorded range or condition of target populations of riparian vegetation,
  - (d) by considering the extent to which the protection of identified cultural assets can be attributed to the strategies in subclause (3) and rules in this Plan,
  - (e) by considering the extent to which changes in the use of water by Aboriginal people can be attributed to the strategies in subclause (3) and rules in this Plan,
  - (f) by comparing changes, or trends in, the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- Note.** One or more performance indicators will be measured for each of the targeted objectives listed in subclause (2), and strategies listed in subclause (3).
- (6) In evaluating the effectiveness of the strategies in meeting the objectives of this clause, the following will be relevant:
- (a) the extent to which Aboriginal people have considered the operation of this Plan to be clearly explained and predictable,
  - (b) the extent to which Aboriginal people have considered the operation of this Plan to be beneficial to meeting their needs for water-dependent cultural uses and values,
  - (c) water made available during the term of this Plan through available water determinations and granting of new licences
  - (d) the extent to which external influences on these water sources have affected progress toward achieving the Aboriginal cultural objectives.
- Note.** External influences may include trends in Aboriginal cultural activity, urban, agricultural and industrial development, changes in long or short term climate, or changes in policy or regulation

## 11 Social and cultural objectives

- (1) The broad social and cultural objective of this Plan are to maintain and, where possible, enhance efficient and sustainable access to water to support critical human water needs, and water-dependent values, culture, heritage and recreational uses.
- (2) The targeted social and cultural objectives of this Plan are to maintain or improve:
  - (a) access to water for critical human water needs, town water supply and domestic and stock purposes, and
  - (b) access to water for water dependent cultural, heritage and recreational uses, including recreational fishing, and  
**Note.** Native fish species that are important for recreational fishing include golden perch and Murray cod.
  - (c) water quality within target ranges for critical human water needs, town water supply, domestic and stock purposes and 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 water access for critical human water needs, town water supply, and for domestic and stock purposes,  
**Note.** The provisions for the maintenance of water supply and replenishment flows in Part 10 of this Plan ensure that water is available for critical human needs, town water supply and domestic and stock purposes.
  - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,  
**Notes.**
    - 1 The provisions in clause 45 of this Plan partially mitigate the alterations to low and medium flows in the natural flow regimes of the Lower Namoi Regulated River Water Source by protecting a portion of tributary flows.
    - 2 The provisions in clause 48 of this Plan partially mitigate the alterations to medium and high flows in the natural flow regime of the water sources by requiring that extraction should not exceed 10% of the supplementary event between 1 July and 31 October, and 50% of the supplementary event volume to be protected between 1 November and 30 June.
    - 3 The provisions in clause 55 of this Plan ensure that a portion of natural flows are maintained, through to the Namoi River at Walgett, between June and August.
  - (c) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and riparian zones, wetlands and floodplains connected to the water sources,  
**Notes.**
    - 1 The provisions in clause 45 of this Plan maintain the hydrological connectivity within and between water sources by protecting a portion of low, medium and high natural flows.
    - 2 The provisions in clause 48 of this Plan maintain the hydrological connectivity within and between water sources by requiring extraction should not exceed 10%

of the supplementary event between 1 July and 31 October, and 50% of the supplementary event volume to be protected between 1 November and 30 June.

- 3 The provisions in clause 55 of this Plan maintain the hydrological connectivity within and between water sources by requiring that a portion of natural flows are maintained, through to the Namoi River at Walgett, between June and August..

- (d) minimise adverse impacts of water delivery on community values and uses.

**Note.** The provisions for water delivery and channel capacity constraints, priority of extractions for access licences and the environmental water account, rates of change to storage releases, supply of orders when remaining allocations are low and dam operation during floods and spills in Part 10 of this Plan minimise the impact of water delivery on the community.

- (4) The performance indicator used to measure success in 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 success in reaching the targeted social and cultural objectives in subclause (2) will be evaluated as follows:

- (a) by comparing changes or trends in the social and cultural uses of water during the term of this Plan by measuring factors including:

(i) the extent to which basic landholder, domestic and stock rights have been met, and

(ii) the extent to which major utility and local utility access licence requirements have been met,

- (b) by comparing changes or trends in the recorded range or extent of target populations of native fish that are important for recreational fishing,

- (c) by comparing changes or trends in the recorded takes of native fish that are important for recreational fishing within legal age and size classes,

- (d) comparing changes or trends in the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.

**Note.** One or more performance indicators will be measured for each of the targeted objectives listed in subclause 2, and strategies listed in subclause 3.

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

- (a) the extent to which stakeholders have considered the operation of this Plan to be clearly explained and predictable

- (b) water made available during the term of this Plan through available water determinations and granting of new licences

- (c) the extent to which changes in the social and cultural use of water can be attributed to the strategies in subclause (3) and rules in this Plan,
- (d) the extent to which external influences on the water sources 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, long or short term trends in climate, or changes in policy or regulation.



## **Part 3 Bulk access regime**

### **12 Bulk access regime**

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in the water sources having regard to the following:
  - (a) the planned environmental water established under Part 4,
  - (b) the requirements for water to satisfy basic landholder rights identified under Part 5,
  - (c) the requirements for water for extraction under access licences identified under Part 5,
  - (d) the access licence dealing rules established under Part 9.
- (2) The bulk access regime:
  - (a) establishes rules according to which:
    - (i) access licences are to be granted as provided for in Part 7, and
    - (ii) available water determinations are to be made as provided for in Part 6, and
    - (iii) access licences are managed as provided for in Part 8, and
  - (b) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in extraction above the limits to the availability of water contained in Part 6, and
  - (c) recognises, and is consistent with, the following:
    - (i) the limits to the availability of water as provided for in Part 6,
    - (ii) the water management principles under section 5 of the Act,
    - (iii) the effect of climatic variability on the availability of water as described in clause 13, and
  - (d) contains provisions with respect to the mandatory conditions imposed as on access licences in Part 11.

### **13 Climatic variability**

This Plan recognises the effects of climatic variability on river flow in the water sources through provisions in Part 6 that:

- (a) manage the sharing of water within the limits of water availability on a long-

term average annual basis, and

- (b) establish priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in the extraction against the long-term average annual extraction limit or the long-term average sustainable diversion limit, and
- (c) manage the sharing of water between categories of access licences on an annual basis through available water determinations.

**Note.** Other statutory tools are available to manage for climatic variability within a water source, for example, temporary water restrictions under section 324 of the Act.

## Part 4 Environmental water provisions

**Note.** This Part is made in accordance with sections 8 and 20 of the Act.

### 14 General

This Part contains environmental water provisions that commit, identify, establish and maintain planned environmental water.

**Note.** In accordance with the Act, planned environmental water is water that is committed by management plans for fundamental ecosystem health or other specified environmental purposes, either generally or at specified times or in specified circumstances and that cannot, to the extent committed, be taken or used for any other purpose.

### 15 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water by reference to the following:

- (a) the physical presence of water in the water sources,
- (b) the long-term average annual commitment of water as planned environmental water.

### 16 Establishment and maintenance of planned environmental water

(1) This Plan establishes planned environmental water in the water sources as follows:

- (a) the physical presence of water, resulting from the following:
  - (i) the environmental flow provisions for the water sources in Part 10,  
**Note.** The provisions in Part 10 ensure that a minimum flow is maintained in the Namoi River at Walgett.
  - (ii) the limitations on access to flows for supplementary water access licences in Part 8.
- (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 the long-term average sustainable diversion limit in Part 6.

(2) The planned environmental water established under subclause (1) (a) is maintained by:

- (a) the environmental flow provisions specified in Part 10, and
- (b) the limitations on access to flows for supplementary water access licences in Part 8.

(3) The planned environmental water established under subclause (1) (b) is maintained by the provisions specified in Part 6.

**Note.** The provisions in **Error! Reference source not found.** of this Plan ensure that there will be water remaining in the water source over the long term by maintaining compliance with the long-term average annual extraction limit. The provisions in **Error! Reference source not**

**found.** also provide for lower available water determinations when the long-term average annual extraction limit has been assessed to have been exceeded.

## Part 5 Requirements for water

### Division 1 General

#### 17 General

- (1) This Part identifies the requirements for water for basic landholder rights and for extraction under access licences in the water source.
- (2) The volumes of water specified in this Part represent, as at 1 July 2020, the estimated requirements for water to satisfy basic landholder rights and the total volumes or unit shares specified in the share components of access licences in the water sources.
- (3) This Plan recognises that requirements for water in connection with basic landholder rights and the total share components of all access licences in the water sources may change during the term of this Plan.

#### Notes.

- 1 The total share components of access licences in the water sources may change during the term of this Plan as a result of:
  - (a) the grant, surrender or cancellation of access licences in the water sources, or
  - (b) the variation of local water utility licences under section 66 of the Act.
- 2 Basic landholder rights may increase as provided for under the Act. This Plan manages changes in basic landholder rights and total share components of all access licences through provisions in **Error! Reference source not found.** that manage the sharing of water within the limits of water availability.
- 3 Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water should not be consumed without first being tested and, if necessary, appropriately treated. Testing and treatment is the responsibility of the water user.

#### Minister's note.

The estimates, share components and numbers of licences referred to in this Part are as at September 2019. These will be updated if required before the plan commences on 1 July 2020.

### Division 2 Requirements for water for basic landholder rights

**Note.** Under the Act, basic landholder rights are defined as domestic and stock rights, native title rights and harvestable rights. There are no harvestable rights in the water sources under this Plan.

#### 18 Domestic and stock rights

- (1) As at 1 July 2020 the water requirements of persons entitled to domestic and stock rights in the Upper Namoi Regulated River Water Source are estimated to total 160 megalitres per year (*ML/year*).
- (2) As at 1 July 2020 the water requirements of persons entitled to domestic and stock rights in the Lower Namoi Regulated River Water Source are estimated to total 1,776 ML/year.

#### Notes.

- 1 Domestic and stock rights are set out in section 52 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act for the taking and use of water for domestic consumption or stock watering.
- 2 Under section 331 of the Act, the Minister may direct the holder of a domestic and stock right to take specified measures to protect the environment, to preserve basic landholder rights or to overcome a threat to public health.
- 3 The volumes set out in this clause are separate from any volumes of water that may be taken under an access licence for domestic and stock purposes.

## 19 Native title rights

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 under any determination of native title.

### Notes.

- 1 No determinations of native title in relation to the water sources have been made in accordance with the *Native Title Act 1993* of the Commonwealth.
- 2 This Plan provides for its amendment if there is an additional, or change to 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.

## Division 3 Requirements for water under access licences

### Notes.

- 1 The share component estimates in this Division include licensed environmental water as defined in section 8 of the Act. The Environmental Water Register maintained by the Department provides a record of licensed environmental water licences, as well as other water intended for environmental purposes.
- 2 As at 1 July 2020, there are 8 access licences with share components totalling 13,548 unit shares that are not identified as licensed environmental water but are intended to be used for environmental purposes. These licences are held by the Commonwealth Government. These access licences are regulated river (general security) access licences.
- 3 This Division sets out total volumes or unit shares in the share components of access licences in the water sources as at 1 July 2020. The actual volume of water available from year to year will depend on climate, access licence priority and the provisions in this Plan.

## 20 (Repealed)

## 21 Share components of domestic and stock access licences

As at 1 July 2020, the share components of domestic and stock access licences total:

- (a) 90 ML/year in the Upper Namoi Regulated River Water Source, and
- (b) 1,998 ML/year in the Lower Namoi Regulated River Water Source.

## 22 Share components of local water utility access licences

As at 1 July 2020, the share components of local water utility access licences total:

- (a) 515 ML/year in the Upper Namoi Regulated River Water Source, and
- (b) 2,271 ML/year in the Lower Namoi Regulated River Water Source.

**23 Share components of regulated river (high security) access licences**

As at 1 July 2020, the share components of regulated river (high security) access licences total:

- (a) 80 unit shares in the Upper Namoi Regulated River Water Source, and
- (b) 3,904 unit shares in the Lower Namoi Regulated River Water Source.

**24 Share components of regulated river (general security) access licences**

As at 1 July 2020, the share components of regulated river (general security) access licences total:

- (a) 11,454 unit shares in the Upper Namoi Regulated River Water Source, and
- (b) 245,074 unit shares in the Lower Namoi Regulated River Water Source.

**25 Share components of supplementary water access licences**

As at 1 July 2020, the share components of supplementary water access licences total:

- (a) 0 unit shares in the Upper Namoi Regulated River Water Source, and
- (b) 115,479 unit shares in the Lower Namoi Regulated River Water Source.

## **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 annual extraction limits:

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

## **Division 1 Calculations under this Part**

### **26 Exclusions, inclusions and variations in calculations**

- (1) This clause applies to the calculation of the following extraction, water take and limits:
  - (a) the long-term average annual extraction limit under clause 27,
  - (b) the average annual extraction under clause 28,
  - (c) the annual permitted take under clause 32,
  - (d) the annual actual take under clause 33.
- (2) The calculation by the Minister of the extraction, water take and limits to which this clause applies must:
  - (a) exclude the following:
    - (i) allocations assigned from an access licence in the water source to an access licence in another water source under section 71T of the Act,
    - (ii) environmental flows provided for in Part 10,
    - (iii) replenishment flows made in accordance with clause 57,
    - (iv) in relation to average annual extraction under clause 27 only, water committed as licensed environmental water under section 8F of the Act, and
  - (b) include allocations assigned to an access licence in the water source from an access licence in another water source under section 71T of the Act.
  - (c) in relation to the long-term average annual extraction limit only, be varied by any change to the amount of water committed as licensed environmental water under section 8F of the Act.



## Division 2 Long-term average annual extraction limit

### 27 Calculation of the long-term average annual extraction limit

- (1) Following the end of each water year, the Minister must calculate the long-term average annual extraction limit for the water sources in accordance with this clause and clause 28
- (2) The long-term average annual extraction limit is the lesser of the following:
  - (a) the average annual extraction calculated based on the following:
    - (i) the water storages and water use development that existed in the 1999/2000 water year,
    - (ii) the basic landholder rights and access licence share components that existed on 1 July 2004,
    - (iii) the rules set out in the *Water Sharing Plan for the Upper and Lower Namoi Regulated River Water Sources 2003* as at 1 July 2004,
    - (iv) the level of development for plantation forestry that existed on 30 June 2009,

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

- (v) the level of development for floodplain harvesting that existed in the 1999/2000 water year in connection with extractions from a regulated river in the water sources, as assessed by the Minister,
    - (b) the average annual extraction calculated under Cap baseline conditions.
- Note.** *Cap baseline conditions* is defined in the Dictionary.
- (3) For the purposes of subclause (2), average annual extraction is to be calculated over the duration of available water climate records using the hydrological computer model approved by the Minister.

#### Notes.

- 1 The long-term average annual extraction limit has been assessed using the Namoi IQQM computer model with system file WSP8TST6.SQQ. As at 1 June 2020, the long-term average annual extraction limit is assessed to be [to be added] ML.
- 2 Under section 8F of the Act the long-term average annual extraction limit is to be varied by any change to licensed environmental water, excluding water committed under section 8C of the Act.
- 3 The long-term average annual extraction limit recognises the effect of climatic variability on the availability of water, in accordance with section 20 (2) (c) of the Act as historic climate and river flow information is used in its determination.

## **28 Calculation of average annual extraction**

The Minister, using the hydrological computer model approved by the Minister, is to calculate the average annual extraction following the end of each water year, calculated over the duration of available climate records and based on the following:

- (a) the water storages and water use development that existed in that water year,
- (b) the basic landholder rights and access licence share components that existed in that water year,
- (c) the current rules in this Plan,
- (d) the level of development for plantation forestry in that water year,
- (e) if not included under subclause (b), the level of development for floodplain harvesting in that water year.

## **29 Calculation of growth in extraction by Tamworth Regional Council**

- (1) Following the end of each water year, the Minister, is to calculate the average annual extraction by all access licences held by Tamworth Regional Council within the Namoi Water Management Area.
- (2) Following the calculation under subclause (1), the Minister must calculate the growth in use by Tamworth Regional Council that is the greater of:
  - (a) the difference between the average annual extraction calculated under subclause (1) and the average annual extraction by all access licences held by Tamworth Regional Council within the Namoi Water Management Area under Cap baseline conditions, and
  - (b) zero.
- (3) For the purposes of subclause (1) and (2), average annual extraction is to be calculated over the duration of available water climate records using the hydrological computer model approved by the Minister.

## **30 Assessment of compliance with the long-term average annual extraction**

- (1) Following the calculations under clauses 27, 28 and 29, the Minister is to compare the sum of average annual extraction calculated under clause 28 plus 95% of the growth in the use for Tamworth Regional Council under clause 29 against the long-term average annual extraction limit.
- (2) There is non-compliance with the long-term average annual extraction limit if the sum of average annual extraction plus 95% of the growth in the use for Tamworth Regional Council exceeds the long-term average annual extraction limit by 3% or more.

## Division 3 Long-term average sustainable diversion limit

### 31 Calculation of the long-term average sustainable diversion limit

The long-term average sustainable diversion limit for the water source is:

- (a) the component of the baseline diversion limit for the water source within the Namoi SDL resource unit as determined under Schedule 3 of the Basin Plan, minus
- (b) the component of the local reduction amount for the Namoi SDL resource unit as determined under Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to the water source, minus
- (c) the component of the shared reduction amount for the Namoi SDL resource unit as determined under section 6.05 of the Basin Plan, that in the Minister's opinion is attributable to the water source.

#### Notes.

- 1 The **long-term average sustainable diversion limit** is defined in section 4 of the *Water Act 2007* of the Commonwealth. **Baseline diversion limit** is defined in section 1.07 of the Basin Plan and **SDL resource unit shared reduction amount** is defined in Schedule 2 of the Basin Plan
- 2 The sustainable diversion limit for the Namoi SDL resource unit as defined in Schedule 3 of the Basin Plan includes extraction from the water sources and the Peel Regulated River Water Source, described in this clause, and the long-term average sustainable diversion limit under the *Water Sharing Plan for the Namoi Unregulated River and Peel Unregulated River Water Sources 2012*.
- 3 The subtraction of the SDL resource unit local reduction amount and the SDL resource unit shared reduction amount is prescribed in Schedule 2 of the Basin Plan. The local reduction amount prescribed in the Basin Plan for the Namoi SDL resource unit is 10 GL.

#### Minister's note.

The components of the local reduction amount and shared reduction amounts attributable to the Upper and Lower Namoi Regulated River Water Sources will be determined in proportion to the amount of water entitlement recovered by the Commonwealth in that water source, for SDL compliance purposes.

### 32 Calculation of annual permitted take for the water year

- (1) Following the end of each water year, the Minister is to calculate annual permitted take of water for the previous water year 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 the water sources.

#### Notes.

- 1 **Annual permitted take** is defined in section 6.10 of the Basin Plan. Under that section, take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in this assessment as they fall outside the definition of take for consumptive use.
- 2 **Take** and **consumptive use** are defined in section 4 of the *Water Act 2007* of the Commonwealth.

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

- (1) Following the calculations under clauses 31 and 32 at the end of each water year, the Minister is to, in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan:
  - (a) compare annual actual take of water against the annual permitted take, and
  - (b) maintain a cumulative balance of the difference between annual actual take and annual permitted take.

**Note.** *Annual actual take* is defined in section 6.10 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**

### **34 Action following non-compliance**

- (1) Subject to subclauses (2) to (6), if an assessment under clauses 30 or 33 demonstrates that there is non-compliance with either the long-term average annual extraction limit or the long-term average sustainable diversion limit, the Minister may take any of the following actions:
  - (a) make an available water determination for supplementary water access licences under clause 40 of less than 1 ML per unit share,
  - (b) make an available water determination for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source under clause 39 of less than 1 ML per unit share,
  - (c) reduce the water allocation that may be taken or assigned from regulated river (general security) access licences in the Lower Namoi Regulated River Water Source under clause 44.

**Note.** Action under this clause will have effect for the water year following the assessment, which will be two water years after the non-compliance occurred.
- (2) An action under subclause (1) may only be taken to the extent to which the Minister considers the following is necessary:
  - (a) in the case of non-compliance with the long-term average annual extraction limit— to return the sum of long-term average annual extraction in the water sources plus 95% of the growth in the use for Tamworth City Council 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.

- (3) The Minister must not take action under subclauses (1) (b) and (1) (c) unless the Minister has made an available water determination for supplementary water access licences of zero under subclause (1) (a).
- (4) In taking any action under subclauses (1) (b) and (1) (c), the Minister must make the same reduction to:
  - (a) the available water determination made for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source under clause 39, and
  - (b) the water allocations that may be taken or assigned under both subclauses 44 (2) (a) and 44 (3) (a).
- (5) Before taking action under subclause (1), the Minister may consult with water user representatives on the following:
  - (a) the data used for the calculations under Divisions 2 and 3,
  - (b) the proposed actions under this Division.

## **Division 5 Available water determinations**

### **35 General**

- (1) Available water determinations for access licences are to be expressed as one of the following:
  - (a) for an access licence specifying share components as ML/year—a percentage of the share component,
  - (b) for an access licence specifying share components as a number of unit shares— ML per unit share.
- (2) The sum of available water determinations made for any access licence, other than for regulated river (general security) access licences in the Lower Namoi Regulated River Water Source, must not exceed the following in any water year:
  - (a) for an access licence specifying the share components in ML/year— 100% of the access licence share component,
  - (b) for an access licence specifying the share component as a number of unit shares— 1 ML per unit share of the access licence share component.

### **36 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.

### **37 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.

### **38 Available water determinations for regulated river (high security) access licences**

- (1) Unless the Minister otherwise determines and subject to subclause (2), at the commencement of each water year an available water determination is to be made for regulated river (high security) access licences of 1 ML per unit share.

**Note.** If the available water determination made for regulated river (high security) access licences is less than 1 ML per unit share, the Minister may conduct further assessments of available water resources and may make further available water determinations subject to clause 35 (2).

- (2) The Minister must not make an available water determination under subclause (1) unless sufficient water is available for all of the following:
- (a) to meet the environmental water rules under Part 10,
  - (b) to meet the requirements for basic landholder rights,
  - (c) to make available water determinations totalling 100% of access licence share components for both domestic and stock access licences and local water utility access licences,
  - (d) to provide for existing water allocations in regulated river (general security) access licence water allocation accounts,
  - (e) to account for water losses associated with holding and delivering the water:
    - (i) to be made available as a result of the available water determination under subclause (1), and
    - (ii) referred to in subclauses (a) to (d) above.

### **39 Available water determinations for regulated river (general security) access licences**

- (1) The Minister is to assess if water is available for the making of an available water determination for regulated river (general security) access licences, at least monthly.
- (2) For the purposes of the assessment, water is not available unless sufficient water is available for all of the following:
- (a) to meet the environmental water rules under Part 10,
  - (b) to meet the requirements for basic landholder rights,

- (c) to make available water determinations totalling 100% of access licence share components for both domestic and stock access licences and local water utility access licences,
  - (d) to make available water determinations totalling 1 ML per unit share for regulated river (high security) access licences,
  - (e) to provide for existing water allocations in regulated river (general security) access licence water allocation accounts,
  - (f) to account for water losses associated with holding and delivering the water:
    - (ii) to be made available as a result of the available water determination under subclause (1), and
    - (ii) referred to in subclauses (a) to (e) above.
- (3) For the purposes of the assessment, water in Split Rock Dam water storage exceeding that needed to provide for available water determinations in the Upper Namoi Regulated River Water Source under subclause (5) (b), (c) or (d), is to be made available for regulated river (general security) access licences in the Lower Namoi Regulated River Water Source
- (4) If the Minister assesses under subclause (1) that water is available, the Minister is to consider making an available water determination for regulated river (general security) access licences.
- (5) The sum of available water determinations made for regulated river (general security) access licences in the Upper Namoi Regulated River Water source during a water year are not to exceed:
- (a) 0 ML per unit share, if the volume of water held in Split Rock Dam water storage has been less than 5% of the full supply volume at any time during the water year,
  - (b) 0.5 ML per unit share, if the volume of water held in Split Rock Dam water storage has been greater than 5% and less than 8% of the full supply volume at any time during the water year,
  - (c) 0.6 ML per unit share, if the volume of water held in Split Rock Dam water storage has been greater than 8% and less than 10% of the full supply volume at any time during the water year, or
  - (d) 1 ML per unit share or such lower amount as required under clause 34, if the volume of water held in Split Rock Dam water storage has been greater than 10% of the full supply volume at any time during the water year.

#### **40 Available water determinations for supplementary water access licences**

At the commencement of each water year, the Minister is to make an available water determination for supplementary water access licences of 1 ML per unit share, unless a lower amount is determined under clause 34.

**Note.** Taking of water under a supplementary water access licence is subject to the rules in Part 8.



## Part 7 Rules for granting access licences

### Notes.

- 1 This Part is made in accordance with sections 20 (2) (b), 61 and 63 of the Act. Section 61 of the Act provides for the application for specific purpose access licences in accordance with the regulations and the relevant water sharing plan.
- 2 Access licences in the water source are granted subject to mandatory conditions required to be imposed by this Plan, the regulations and the Act, and may also be subject to discretionary conditions.

### 41 Rules for granting access licences

- (1) The Minister must not grant a specific purpose access licence unless satisfied that the share and extraction components of the access licence are the minimum required for the proposed use.
- (2) A person may make an application for a regulated river (high security) (Aboriginal cultural) access licence only if the share component of the proposed access licence is no greater than 10 ML/year.
- (3) The Minister may only grant a regulated river (high security) (Aboriginal cultural) access licence for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

**Note.** *Aboriginal person* is defined in the Dictionary.

## **Part 8      Operation of water allocation accounts and managing access licences**

### **Notes.**

- 1      Section 85 of the Act and the regulations provide for the keeping of water allocation accounts for access licences. The provisions in this Part restrict the water that may be taken under, or assigned from, an access licence over a specified period of time, and the unused water allocations in water allocation accounts that may be carried over from one water year to the next. These restrictions are in addition to any other limits on access licences for the taking or assignment of water. It is an offence under section 60C of the Act to take water under an access licence for which there is no or insufficient water allocation.
- 2      The provisions in this Part apply to the following:
  - (a)    the Minister in managing water allocation accounts,
  - (b)    the access licence holder, as required by mandatory conditions imposed on the access licence under Part 11.

## **Division 1    Accounting for water allocation accounts**

### **42    Credits to and debits from an individual water allocation account**

- (1)    For any domestic and stock access licence, local water utility access licence, regulated river (high security) access licence, and regulated river (general security) access licence, the Minister must debit the greater of the following from the account:
  - (a)    the volume of water extracted by water supply works nominated by the access licence,
  - (b)    the water ordered for extraction under the access licence.
- (2)    For any supplementary water access licence, the Minister must, in accordance with any applicable supplementary water announcement, debit the volume of water extracted by the water supply works that are nominated by the access licence from the account.

### **43    Limits on water allocation accounts and carryover**

- (1)    The Minister must not allow allocations in a water allocation account in the Upper Namoi Regulated River Water Source to exceed the following at any time:
  - (a)    for a domestic and stock access licence or local water utility access licence— 100% of the share component,
  - (b)    for a regulated river (high security) access licence— 1 ML per unit share,
  - (c)    for a regulated river (general security) access licence:
    - (i)    1.5 ML per unit share,
    - (ii)   plus any water allocations assigned from another access licence in that water year,

- (iii) minus any water allocations assigned to another access licence in that water year.

**Minister's Note.**

The limit for water allocations in a water allocation account for a regulated river (general security) access licence with a share component that specifies the Upper Namoi Regulated River Water Source is proposed to be increased from 1 ML per unit share to 1.5 ML per unit share.

Feedback is sought on this proposed change.

- (2) The Minister must not carry over water allocations remaining in a water allocation account from one water year to the next water year for the following categories of licence in the Upper Namoi Regulated River Water Source:
- (a) domestic and stock access licence,
  - (b) local water utility access licence,
  - (c) regulated river (high security) access licence.
- (3) Subject to subclause (1), the Minister must carry over water allocations remaining in the water allocation account from one water year to the next water year for a regulated river (general security) access licence in the Upper Namoi Regulated River Water Source up to a maximum of 0.5 ML per unit share.
- (4) The Minister must not allow allocations in a water allocation account in the Lower Namoi Regulated River Water Source to exceed the following at any time:
- (a) for a domestic and stock access licence or local water utility access licence— 100% of the share component,
  - (b) for a regulated river (high security) access licence— 1 ML per unit share,
  - (c) for a regulated river (general security) access licence— 2 ML per unit share.
- (5) The Minister must not carry over water allocations remaining in a water allocation account from one water year to the next water year for the following categories of licence in the Lower Namoi Regulated River Water Source:
- (a) domestic and stock access licence,
  - (b) local water utility access licence,
  - (c) regulated river (high security) access licence,
  - (d) supplementary water access licence.
- (6) Subject to subclause (4), the Minister must carry over water allocations remaining in the water allocation account from one water year to the next water year for regulated river (general security) access licence in the Lower Namoi Regulated River Water Source.

#### 44 Accounting rules

- (1) For a regulated river (general security) access licence in the Lower Namoi Regulated River Water Source, the total water allocation that is taken, assigned under section 71T of the Act, or otherwise debited or withdrawn, from a water allocation account between 1 October and 30 September the following year must not exceed the following:
  - (a) 1.25 ML per unit share (or the lower amount determined under clause 34),
  - (b) plus any water allocations assigned to the water allocation account for the access licence under section 71T of the Act in that period,
  - (c) plus any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in that period.
- (2) For a regulated river (general security) access licence in the Lower Namoi Regulated River Water Source, the total water allocation that is taken, assigned under section 71T of the Act, or otherwise debited or withdrawn, from a water allocation account in any three consecutive 12 month periods, beginning 1 October and ending 30 September, must not exceed the following:
  - (a) 3 ML per unit share (or the lower amount determined under clause 34),
  - (b) plus any water allocations assigned to the water allocation account for the access licence under section 71T of the Act in those three years.

### Division 2 Taking of uncontrolled flows

#### 45 Taking of uncontrolled flows in the Upper Namoi Regulated River Water Source

**Notes.**

- 1 This clause is made under section 85A of the Act.
  - 2 **Uncontrolled flows** is defined in the Dictionary.
- (1) The Minister may, by order published on the Department's website, authorise the holders of regulated river (general security) access licences in the Upper Namoi Regulated River Water Source to take water from uncontrolled flows, that has not been credited to the water allocation account of that licence whenever the sum of available water determinations made for those licences is less than or equal to 0.6 ML per unit share.
  - (2) The taking of uncontrolled flows by regulated river (general security) access licences that nominate a water supply work located on the Manilla River downstream of Split Rock Dam is permitted when the flow in the Manilla River at Brabri is greater than or equal to:
    - (a) the flow required to satisfy downstream water orders in the Upper Namoi

Regulated River Water Source, plus

- (b) any flows resulting from releases made as part of a bulk transfer of water from Split Rock Dam water storage to Keepit Dam water storage, plus
  - (c) 100 ML.
- (3) The taking of uncontrolled flows by regulated river (general security) access licences that nominate a water supply work located on the Namoi River in the Upper Namoi Regulated River Water Source is permitted when the flow in the Namoi River at Manilla Railway Bridge is greater than or equal to:
- (a) the flow needed to satisfy downstream water orders in the Upper Namoi Regulated River Water Source, plus
  - (b) any flows resulting from releases made as part of a bulk transfer of water from Split Rock Dam water storage to Keepit Dam water storage, plus
  - (c) 200 ML.
- (4) The total amount of water permitted to be taken under this clause in any water year is the lesser of:
- (a) 1 ML per unit share of the regulated river (general security) access licence share component minus the sum of allocations credited to the regulated river (general security) access licence, and
  - (b) 0.5 ML per unit share of the regulated river (general security) access licence share component,
- (5) If the total amount of uncontrolled flows taken under an access licence exceeds the limits specified in subclause (4), then a volume equivalent to the exceedance must be debited from the water allocation account in that water year.

### **Division 3 Supplementary water events**

**Note.** This Division is made under section 70 of the Act.

#### **46 Definitions**

In this Division:

*supplementary water event volume* means, the volume of uncontrolled flows in a segment of the Lower Namoi Regulated River Water Source that occurs when total flows are between the relevant supplementary water event start flow specified in Column 3 of Tables A, B and C and the relevant supplementary water event finish flow specified in Column 4 of Tables A, B and C.

#### 47 Taking of water under supplementary water licences in the Lower Namoi Regulated River Water Source

The holder of a supplementary water access licences in the Lower Namoi Regulated River Water Source may only take water in accordance with a supplementary water event announcement made by the Minister that is relevant to that licence.

#### 48 Announcement of supplementary water event

(1) The Minister may announce a supplementary water event in the Lower Namoi Regulated River Water Source:

- (a) if, in the Ministers opinion, there will be uncontrolled flows in the river segment to which the announcement applies, and
- (b) in accordance with the rules specified in this clause.

(2) A supplementary water event is not to be announced, or is to be restricted, when in the Minister's opinion this is required to ensure outflows from the Lower Namoi Regulated River Water Source contribute to meeting the requirements of the Barwon Darling Flow Targets specified in Schedule 1.

(3) In making an announcement, the Minister must:

- (a) ensure that the taking of water by supplementary water access licences with extraction components that specify Class B will not constrain the volume of water that can be taken by supplementary water access licences with extraction components that specify Class A,

**Note.** The effect of subclause (a) is that no pumping will be permitted by supplementary water access licences with Class B extraction components until there is sufficient flow to fully provide for any pumping allowed under supplementary water access licences with Class A extraction components.

- (b) ensure that the amount specified under subclause (4) (c) does not result in the extraction of more than:

- (i) 10% of the supplementary water event volume between 1 July and 31 October,
- (ii) 50% of the supplementary water event volume between 1 November and 30 June, and

- (c) be satisfied that the amount specified under subclause (4) (c) for water supply works located in the Gunidgera/Pian system ensures that the flow at Dempseys Bridge - 419089 (Dundee Weir )is the lesser of:

- (i) 50 ML/day, or
- (ii) the sum of inflows entering the Gunidgera/Pian system downstream of the Gunidgera offtake.

**Minister's Note.**

The supplementary water access and sharing rules in this clause are currently under review. There are three options currently being considered. These are:

1. adjusting the supplementary event thresholds that apply throughout the year to triggers based on the environmental water requirements developed as part of the Long Term Environmental Water Plan. Extraction of up to 60% of the volume above these triggers would be allowed throughout the year,
2. adjusting the supplementary event thresholds for July and August and limiting extraction to 50% of the event volume throughout the year,
3. retaining the current rules.

More detail on these options can be found in the fact sheet that is part of the information material for the public exhibition of this Plan.

Public feedback on this issue is sought.

- (4) An announcement must include the following:
  - (a) the segments of the Lower Namoi Regulated River Water Source to which the announcement applies,
  - (b) the start or end date, or both, of the supplementary water event,
  - (c) specify the maximum volume of water that may be taken under a supplementary water access licence as a percentage of each supplementary water access licence share component.
- (5) A supplementary water event upstream of the Namoi River at Narrabri must:
  - (a) not commence until flows have increased to the supplementary water event start flow specified in Column 3 of Table A, and
  - (b) cease when flows have decreased to the supplementary water event finish flow specified in Column 4 of Table A,whenever the sum of water allocations in the accounts of regulated river (general security access licences in the Lower Namoi Regulated River Water Source is equal to that specified in Column 1 of Table A.

**Table A —Supplementary water event start and finish flows for upstream of the Namoi River at Narrabri**

<b>Column 1 Total water allocations (ML)</b>	<b>Column 2: Period</b>	<b>Column 3: Supplementary water event start flow (ML/day)</b>	<b>Column 4: Supplementary water event finish flow (ML/day)</b>	<b>Column 5: Flow reference points</b>
Less than or equal to 90,000	1 January – 31 December	500	500	Narrabri Creek at Narrabri (419003) plus Namoi River at Narrabri (419002)
Greater than 90,000	1 August–31 December	5,000	3,000	
	1 January–31 January	4,000	2,000	
	1 February–31 July	2,000	1,000	

(6) If all uncontrolled flows are occurring from inflows to the water sources upstream of the Namoi River at Narrabri, then a supplementary water event downstream of the Namoi River at Narrabri must:

- (a) not commence until “X” days after the flow has increased to the relevant supplementary water event start flow specified in Column 3 of Table A, and
- (b) cease “X” days after the flow has decreased to the relevant supplementary water event finish flow specified in Column 4 of Table A, and

whenever the sum of water allocations in the accounts of regulated river (general security access licences in the Lower Namoi Regulated River Water Source is equal to that specified in Column 1 of Table A.

(7) For the purposes of subclause (6), “X” is the river flow time of travel in days between Narrabri and the location of the water supply works.

(8) If all uncontrolled flows are occurring from inflows to the water sources downstream of the Namoi River at Narrabri and upstream of Weeta Weir, then a supplementary water event downstream of the Namoi River at Narrabri must:

- (a) not commence until “Y” days after the flow has increased to the relevant supplementary water event start flow specified in Column 3 of Table B, and
- (b) cease “Y” days after the flow has decreased to the relevant supplementary water event finish flow specified in Column 4 of Table B,

whenever the sum of water allocations in the accounts of regulated river (general security access licences in the Lower Namoi Regulated River Water Source is equal to that specified in Column 1 of Table B.

(9) For the purposes of subclause (8), “X” is the river flow time of travel in days between Narrabri and the location of the water supply works and “Y” is the river flow time of



travel in days between the relevant flow reference point specified in Column 5 of Table B and the location of the water supply work.

**Table B —Supplementary water event start and finish flows for downstream of the Namoi River at Narrabri and upstream of Weeta Weir**

<b>Column 1 Total water allocations (ML)</b>	<b>Column 2: Period</b>	<b>Column 3: Supplementary water event start flow (ML/day)</b>	<b>Column 4: Supplementary water event finish flow (ML/day)</b>	<b>Column 5: Flow reference points</b>
Less than or equal to 90,000	1 January – 31 December	500	500	Namoi River at Mollee (419039)
		500	500	Namoi River at downstream Gunidgera Weir (419059)
		500	500	Namoi River at downstream Weeta Weir (419068)
Greater than 90,000	1 August–31 December	5,000	3,000	Namoi River at Mollee (419039)
		4,000	2,500	Namoi River at downstream Gunidgera Weir (419059)
		3,000	2,000	Namoi River at downstream Weeta Weir (419068)
	1 January–31 January	4,000	2,000	Namoi River at Mollee (419039)
		3,000	2,000	Namoi River at downstream Gunidgera Weir (419059)
		2,000	1,500	Namoi River at downstream Weeta Weir (419068)
	1 February–31 July	2,000	1,000	Namoi River at Mollee (419039)
		2,000	1,000	Namoi River at downstream Gunidgera Weir (419059)
		1,500	1,000	Namoi River at downstream Weeta Weir (419068)

- (10) A supplementary water event downstream of Weeta Weir must:
- (a) not commence until the flow has increased to the relevant supplementary water event start flow specified in Column 2 of Table C for the period specified in Column 4 of Table C, and
  - (b) cease when the flow has decreased to the relevant supplementary water event finish flow specified in Column 3 of Table A,
- whenever the sum of water allocations in the accounts of regulated river (general

security access licences in the Lower Namoi Regulated River Water Source is equal to that specified in Column 1 of Table C.

**Table C —Supplementary water event start and finish flows for downstream of Weeta Weir**

<b>Column 1 Total water allocations (ML)</b>	<b>Column 2: Supplementary water event start flow (ML/day)</b>	<b>Column 3: Supplementary water event finish flow (ML/day)</b>	<b>Column 4: Period</b>	<b>Column 5: Flow reference points</b>
Less than or equal to 90,000	10	10	Not applicable	Namoi River at upstream Walgett (419091)
Greater than 90,000	200	200	5 consecutive days	

## Part 9 Access licence dealing rules

### Notes.

- 1 Access licence dealings in the water source are subject to the provisions of the Act, the regulations, any access licence dealing principles established by order made under section 71Z of the Act and the access licence dealing rules established under this Part.
- 2 As at 1 July 2020 the *Access Licence Dealing Principles Order 2004* applies. 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.
- 3 An application for a dealing may be refused or conditions imposed on an access licence or water supply work approval at the time of a dealing to give effect to the provisions of this Plan.
- 4 This Part may be amended if individual daily extraction components are imposed on access licences in the water source.

### 49 Conversion of access licence to new category dealings

Dealings under section 71O of the Act are prohibited.

#### Minister's Note.

The Department of Planning, Industry and Environment– Water is considering an option to allow limited conversion of regulated river (high security) access licences to access licences in connected upstream unregulated river water sources. This would enable some additional water to be taken in upstream areas without affecting water availability in the downstream storage/s, but would be subject to an assessment of potential local impacts of any such trade on the environment and access to water by other water users, and may be limited in scope.

This is a new concept that is yet to be discussed with stakeholders (including the Namoi Stakeholder Advisory Panel). As such, no provisions to enable it have been included within this draft plan, other than an amendment provision within Part 12. If pursued, new provisions will need to be incorporated into the Plan.

### 50 Assignment of rights dealings (within a water source or within a water management area)

**Note.** In some segments of the water sources, the ability to deliver water is limited by supply constraints. In these segments, this clause prohibits dealings that would increase the total share components of access licences in those segments above 2004 amounts, until individual daily extraction components are imposed on each licence in that segment, under the Act.

- (1) A dealing under section 71Q of the Act within a water source is prohibited if the dealing would result in an increase in the total share components of the access licence category, specified in Column 1 of Table B, nominating water supply works located in a segment of the water source, specified in column 2 of Table B, to an amount that would exceed that specified in Column 3 of Table B.

**Table B**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Regulated River (high security)	Downstream of the Namoi River at Mollee	No increase
Domestic and stock, regulated river (high security), regulated river (general security)	Gunidgera/Pian Creek system	Amount as at 1 July 2004
Supplementary water	Gunidgera/Pian Creek system	Amount as at 1 July 2004

- (2) A dealing under section 71Q is prohibited if the dealing involves the assignment of rights from a supplementary water access licence with an extraction component that specifies B class to a supplementary water access licence with an extraction component that specifies A class is prohibited.
- (3) Dealings under section 71Q between access licences with share components that specify different water sources are prohibited unless the dealing involves any of the following:
- (a) the assignment of rights from an access licence with a share component that specifies the Upper Namoi Regulated River Water Source to an access licence with a share component that specifies the Lower Namoi Regulated River Water Source,
  - (b) the assignment of rights from an access licence with a share component that specifies the Lower Namoi Regulated River Water Source to an access licence with a share component that specifies the Upper Namoi Regulated River Water Source, subject to the sum of the share components of all access licences in the Upper Namoi Regulated River Water Source not exceeding 12,139,
  - (c) the assignment of rights from an access licence with a share component that specifies the Peel Regulated River Water Source, to which the *Water Sharing Plan for the Peel Regulated River Water Source 2020* applies to an access licence with a share component that specifies the Lower Namoi Regulated River Water Source, subject to a conversion factor of 0.5 being applied to the assignment of rights.

**Minister's Note.**

The rules specified in subclause (3) (b) above propose a change to the trading of access licence share component between the Lower and Upper Namoi water sources. The proposed change limits the amount of share component in the Upper Namoi and only allows trade to the Upper Namoi water source if the total amount of share component remains within that limit. These changes will prevent unacceptable impacts on future water allocations in these water sources, whilst remaining compliant with the Basin Plan.

The rules specified in subclause (3) (c) above propose an increase to the conversion factor that currently applies to the trading of access licence share component between the Peel and Lower Namoi regulated rivers from 0.4 to 0.5. This change is due to a recent revision of transmission losses between these water sources and is required to guard against unacceptable impacts on future water allocations in the Lower Namoi.

## **51 Rules for change of water source**

Dealings under section 71R of the Act are prohibited unless the dealing involves any of the following:

- (a) the cancellation of an access licence with a share component that specifies the Upper Namoi Regulated River Water Source and the issuing of an access licence with a share component that specifies the Lower Namoi Regulated River Water Source,
- (b) the cancellation of an access licence with a share component that specifies the Lower Namoi Regulated River Water Source and the issuing of an access licence with a share component that specifies the Upper Namoi Regulated River Water Source, subject to the sum of the share components of all access licences in the Upper Namoi Regulated River Water Source not exceeding 12,139,
- (c) the cancellation of an access licence with a share component that specifies the Peel Regulated River Water Source, to which the *Water Sharing Plan for the Peel Regulated River Water Source 2010* applies, and the issuing of an access licence with a share component that specifies the Lower Namoi Regulated River Water Source, subject to the share component of the access licence issued being equal to 0.5 times the share component of the cancelled access licence.

**Minister's Note.**

The rules specified in subclause (b) above propose a change to the trading of access licence share component between the Lower and Upper Namoi water sources. The proposed change limits the amount of share component in the Upper Namoi and only allows trade to the Upper Namoi water source if the total amount of share component remains within that limit. These changes will prevent unacceptable impacts on future water allocations in these water sources, whilst remaining compliant with the Basin Plan.

The rules in subclause (c) above propose and increase to the conversion factor that currently applies to the trading of access licence between the Peel and Lower Namoi regulated rivers from 0.4 to 0.5. This change is due to a recent revision of transmission losses between these water sources and is required to guard against unacceptable impacts on future water allocations in the Lower Namoi.

## 52 Assignment of water allocation dealings

- (1) A dealing under section 71T of the Act between access licences within the water source is prohibited in any of the following circumstances:
  - (a) the dealing involves an assignment of water allocation to a supplementary water access licence from an access licence of any other category,

**Note.** As at 1 July 2020, dealings under section 71T of the Act involving the assignment of water allocations from a supplementary water access licence to an access licence of any other category are also prohibited under clause 17 of the *Access Licence Dealing Principles Order 2004*.
  - (b) the dealing involves an assignment of water allocation to a supplementary water access licence with an extraction component that specifies B class to a supplementary water access licence with an extraction component that specifies A class,
  - (c) the dealing involves an assignment of water allocation to an access licence, other than a supplementary water access licence, that nominates a water supply work located in the Gunidgera/Pian system and that dealing results in the total volume of water allocations assigned during a water year to access licences, other than supplementary water access licences, that nominate a water supply work located in the Gunidgera/Pian system exceeding the total volume of water allocations assigned during that water year from access licences, other than supplementary water access licences, that nominate a water supply work located in the Gunidgera/Pian system to access licences that do not nominate a water supply work located in the Gunidgera/Pian system,
  - (c) the dealing involves an assignment of water allocation to a supplementary water access licence that nominates a water supply work located in the Gunidgera/Pian system and that dealing results in the total volume of water

allocations assigned during a water year to supplementary water access licences that nominate a water supply work located in the Gunidgera/Pian system exceeding the total volume of water allocations assigned during that water year from supplementary water access licences that nominate a water supply work located in the Gunidgera/Pian system access licences to supplementary water access licences that do not nominate a water supply work located in the Gunidgera/Pian system.

- (2) A dealing under section 71T of the Act between access licences in different water sources is prohibited unless the dealing involves any of the following:
- (a) the assignment of water allocations from an access licence with a share component that specifies the Upper Namoi Regulated River Water Source to an access licence with a share component that specifies the Lower Namoi Regulated River Water Source and there is not a significant risk that the rate at which water can be released from Keepit Dam during the remainder of the water year will be insufficient to meet likely water orders,  
**Note.** The maximum rate of water release from Keepit Dam is severely reduced when water storage levels are low.
  - (b) the assignment of water allocations from an access licence with a share component that specifies the Lower Namoi Regulated River Water Source to an access licence with a share component that specifies the Upper Namoi Regulated River Water Source unless:
    - (i) the sum of available water determinations made for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source during the water year is less than the maximum percentage possible under clause 39, and
    - (ii) there is insufficient water available in Split Rock Dam water storage to supply the assigned water allocations.

### **53 Interstate access licence transfer and assignment of water allocations**

Dealings under sections 71U or 71V of the Act are prohibited.

### **54 Nomination of water supply work dealings**

Dealings under section 71W of the Act are prohibited in any of the following circumstances:

- (a) an access licence being amended to nominate a water supply work located downstream of the Namoi River at Mollee if it would cause an increase in the total share components of all regulated river (high security) access licences nominating water supply works located downstream of the Namoi River at

Mollee,

- (b) an access licence, other than a supplementary water access licence, being amended to nominate a water supply work located in the Gunidgera/Pian Creek system if it would cause the total share components of all access licences, other than supplementary water access licences, nominating water supply works located in the Gunidgera/Pian Creek system to exceed the total as at 1 July 2004,
- (c) a supplementary water access licence being amended to nominate a water supply work located in the Gunidgera/Pian Creek system if it would cause the total share components of all supplementary water access licences nominating water supply works located in the Gunidgera/Pian Creek system to exceed the total as at 1 July 2004,
- (d) an access licence that nominates a water supply work located in the Lower Namoi Regulated River Water Source being amended to nominate a water supply work located in the Upper Namoi Regulated River Water Source.



## Part 10 System operation rules

### Notes

- 1 The approximate location of the relevant gauges and other locations referred to in this Part are in the overview map at Appendix 1.
- 2 **Operator** is defined in the Dictionary.

### Division 1 Environmental flow rules

#### 55 Minimum flow rules

Whenever the sum of the water stored in Keepit Dam water storage and Split Rock Dam water storage is equal to or greater than 120,000 ML, the operator must ensure that the following flows are maintained in the Namoi River at Walgett gauge (419091):

- (a) in June, 75% of the natural 95th percentile daily flow for June,
- (b) in July, 75% of the natural 95th percentile daily flow for July,
- (c) in August, 75% of the natural 95th percentile daily flow for August.

### Division 2 General system operation rules

#### 56 Maintenance of water supply

- (1) In this clause, the period of lowest accumulated inflows to the water sources is identified by flow information held by the Department prior to 1 July 2004.
- (2) The operator must operate the water supply system in such a way that water would be able to be supplied during a repeat of the period of lowest accumulated inflows to the water sources, to meet the following:
  - (a) the annual water requirements of persons exercising domestic and stock rights and native title rights,
  - (b) available water determinations for domestic and stock access licences and local water utility access licence of 100% of share components,
  - (c) available water determinations for regulated river (high security) access licences of 1 ML per unit share.
- (3) For the purposes of subclause (2), the operator must set aside sufficient volumes of water from inflows into the water source and in reserves held in Split Rock Dam water storage and Keepit Dam water storage.

**Note.** *Reserves* and *water supply system* are defined in the Dictionary.

#### 57 Replenishment flows

- (1) Unless the operator otherwise determines, the operator is to provide a replenishment

flow of up to 14,000 ML per water year to Pian Creek downstream of Dundee Weir.

- (2) For the purposes of subclause (1), the operator must set aside sufficient volumes of water from inflows into the water sources and in reserves held in Split Rock Dam and Keepit Dam water storages.

## 58 Water delivery and channel capacity constraints

In managing the water supply system, the operator must consider, determine and specify the maximum water delivery or operating channel capacities throughout the water source in accordance with procedures established by the Minister, taking into account the following:

- (a) the inundation of private land or interference with access,
- (b) the effects of inundation on the floodplain and associated wetlands,
- (c) the transmission losses expected to occur,
- (d) the capacities of structures in the water supply system.

**Note.** Operating channel capacity affects daily supply capability. The following operating channel capacities have been determined as at 1 July 2020:

- (a) Pian Creek channel downstream from Gunidgera offtake has a capacity of 2,000 ML/day—80% being 1,600 ML/day, and
- (b) Gunidgera offtake, which regulates flows into Pian Creek, has a capacity of 1,250 ML/day.

## 59 Priority of delivery for access licences

- (1) This clause does not apply to supplementary water access licences.
- (2) If supply capability due to channel capacity is insufficient in any segment of the water source is insufficient to satisfy all water orders and basic landholder rights, the following rules of priority apply:
  - (a) the operator is to give first priority to the requirements for water to satisfy basic landholder rights,
  - (b) once the requirements in (a) have been met, the operator is to supply water to domestic and stock access licences, local water utility access licences and regulated river (high security) access licences that have placed orders for water, in that order,
  - (c) once the requirements in (b) have been met, any remaining supply capability is to be shared between regulated river (general security) access licences that have placed an order for water, in proportion to share components specified on the access licences.

### Notes.

- 1 **Supply capability** is defined in the Dictionary.
- 2 This clause may be amended if individual daily extraction components are imposed.

## 60 Rates of change to storage releases

In changing the rate of the release of water from a water storage or other water supply system structure, the operator must consider relevant environmental matters, damage to river banks and public safety.

## 61 Grouping of water orders due to high delivery losses

- (1) The operator may group water orders and periodically release water if the continuous delivery of water orders would involve unacceptably high delivery losses.
- (2) The operator is to consult with water user representatives before grouping water orders and releasing water in accordance with subclause (1).

## 62 Bulk transfer rules between storages

- (1) Any bulk transfer of water from Split Rock Dam water storage to Keepit Dam water storage must be carried out in a manner that minimises adverse environmental impacts.
- (2) Prior to making any bulk transfer from Split Rock Dam water storage to Keepit Dam water storage the operator must:
  - (a) determine an appropriate pattern of release from Split Rock Dam, taking into consideration the volume and time requirements of the bulk transfer and the need to minimise downstream environmental impacts,
  - (b) consult with water users on the upper Namoi and Manilla Rivers regarding the pattern of release,
  - (c) provide a minimum of 14 days' notice of the intended release to water users between Split Rock Dam and Keepit Dam water storages,
  - (d) conduct appropriate monitoring, and
  - (e) advise the community regarding the intended water releases through media releases.

**Note.** Bulk transfer releases from Split Rock Dam water storage can have significant impacts on farming operations and the river environment.

## 63 Dam operation during floods and spills

The operator must operate Keepit Dam during times of flood and spilling of water from the dam:

- (a) in a manner that maintains the safety of dam infrastructure, and
- (b) subject to paragraph (a), as follows:
  - (i) leave the storage as full as possible after the flood or spilling of water,

- (ii) ensure that the general rate of increase of outflow does not exceed the rate of increase of inflow,
- (iii) seek to minimise downstream flood damage.

**Note.** Split Rock Dam has a free overflow spillway and as such there are no flood operation procedures.

## Part 11 Mandatory conditions

**Note.** Mandatory conditions relating to metering equipment and recording of information are imposed by the *Water Management (General) Regulation 2018*. Clauses in this Plan that provide for mandatory conditions to be imposed in relation to metering will be removed from this Plan consistent with the timeframes for the roll out of the metering and reporting mandatory conditions that are prescribed in Part 10 and Part 11 of the *Water Management (General) Regulation 2018*.

### Division 1 General

#### 64 Requirement to notify

In this Part, a requirement to notify the Minister in writing will only be satisfied by writing to the email address for enquiries on the Department's website.

**Note.** As at 1 July 2020, the email address for enquiries on the Department's website is [water.enquiries@industry.nsw.gov.au](mailto:water.enquiries@industry.nsw.gov.au).

### Division 2 Access licences

#### 65 Mandatory conditions on access licences

- (1) Each access licence must mandatory conditions to give effect to the following:
  - (a) upon becoming aware of a breach of any condition of the access licence, the access licence holder must:
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification under subparagraph (i) is not in writing, confirm this notification in writing within seven days of becoming aware of the breach,
  - (b) the taking of water in accordance with the access licence may only occur if the resulting debit to the access licence account does not exceed the volume of water allocation remaining in the licence account, except in accordance with an order made under clause 45 that permits the taking of uncontrolled flows by regulated river (general security) access licences.
- (2) Each access licences must have mandatory conditions requiring that the access licence holder must not take water unless it has been ordered in accordance with procedures established by the Minister.
- (3) Each supplementary water access licence must have a mandatory condition that gives effect to Part 8.
- (4) Each domestic and stock access licence, other than domestic and stock (domestic only) access licence must have a mandatory condition that water may only be taken for the purpose of domestic consumption or stock watering as defined in section 52 of the Act.
- (5) Each local water utility access licence must have a mandatory condition that water

may only be taken for the exercise of a water supply function of the local water utility or for other such purpose provided for under the Act.

- (6) Without limiting subclauses (1) to (5), an access licence must have mandatory conditions as required to implement the provisions of this Plan.

### **Division 3 Water supply work approvals**

**Note.** This Division is made in accordance with sections 17 (c) and 100 of the Act.

#### **66 General conditions**

- (1) Water supply work approvals must have mandatory conditions to give effect to this clause.
- (2) The water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Part 8.
- (3) Upon becoming aware of a breach in any condition of the approval, the approval holder must:
  - (a) notify the Minister as soon as practicable, and
  - (b) if the notification under paragraph (a) was not in writing, confirm this notification in writing within seven days of becoming aware of the breach.
- (4) Flow measurement devices must be installed and maintained on all works used for extraction of water under an access licence and must be of a type and maintained in a manner, which is acceptable to the Minister.
- (5) Water extraction, water management infrastructure and cropping details must be provided on request, in the form and in accordance with procedures established by the Minister.
- (6) The taking of water may only occur in accordance with the conditions applying to the access licence that will have its water allocation account debited for that take.
- (7) Despite subclause (1), subclauses (4) to (6) do not apply to approvals for water supply works held by WaterNSW provided the approval is not nominated by an access licence.
- (8) Without limiting subclauses (1) to (6), water supply works must have mandatory conditions as required to implement the provisions of this Plan.
- (8) Subclauses (4) ceases to have effect in relation to an approval subject to a mandatory metering equipment condition on the day the condition applies to the approval.
- (9) Subclause (4) ceases to have effect on 1 December 2020.

**Notes.**

- 1 Mandatory metering equipment condition is defined in clause 228 of the *Water Management (General) Regulation 2018*.
- 2 Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to existing and new water supply works required to have a meter from 1 April 2019, and to other approvals in the water source from 1 December 2020.

## **Part 12 Amendment of this Plan**

**Note.** This Part sets out the amendments authorised by this Plan.

### **67 General**

- (1) For the purposes of section 45 (1) (b), this Part provides for when this Plan may be amended and are taken to be authorised by this Plan.
- (2) An amendment authorised by this Plan is taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.

**Note.** For example, if Part 1 is amended to add a new management zone, this may require amendments to other parts of this Plan to include rules for that management zone.

- (3) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.

### **68 Amendments relating to Part 1**

Part 1 may be amended to add, modify or remove a river or section of river to or from the water source providing that:

- (a) any amendment is consistent with any applicable regulated river order, and
- (b) the Minister is satisfied that there will be no impact on environmental water or on the available water to any access licence in the water source.

### **69 Other amendments of this Plan**

- (1) Clause 39 (5) may be amended to vary the storage capacity volumes of Split Rock Dam.
- (2) Clause 45 may be amended to vary the flow exceedances required to allow the taking of uncontrolled flows.

### **70 Amendments relating to individual daily extraction components**

This Plan may be amended to provide for individual daily extraction components.

### **71 Amendment of Plan relating to floodplain harvesting**

- (1) This Plan may be amended to provide for floodplain harvesting.
- (2) This Plan may be amended to include rules for any new category of access licence established for the purpose of stormwater harvesting, provided that the amendments do not affect the long-term average annual extraction limit or long-term average sustainable diversion limit specified in this Plan.



## **72 Amendments relating to supplementary water access licences**

Clause 48 (3) may be amended if it can be demonstrated that the changes continue to satisfy the environmental water requirements developed for the plan, and there is no increase in the long-term average annual extraction limit or the long-term average sustainable diversion limit.

## **73 Amendments relating to conversion of access licences**

This Plan may be amended to provide for the conversion of regulated river (high security) access licences with share components that specify the water sources to access licences with share components that specify connected upstream unregulated water sources.

## **74 Dictionary**

The Dictionary may be amended to add, modify or remove a definition.

## **75 Schedules**

Schedule 1 may be amended to add, modify or remove a flow target.

## Dictionary

**Note.** Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations have the same meaning in this Plan.

**Aboriginal person** has the same meaning as it has in the *Aboriginal Land Rights Act 1983*.

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

**assured inflows** are the volumes of water which historic hydrologic information indicates are the minimum which can be expected to flow into the water source.

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

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

**bulk transfer** is the release of water from an upstream water storage for the purpose of supplementing the volume of water held in a downstream water storage, generally so that the downstream storage can maintain releases necessary to meet downstream water requirements in times of drought.

the **Cap** is as defined in Schedule E of the Murray Darling Basin Agreement.

**Cap baseline conditions** are those used for assessment of the Cap in Schedule E of the Murray Darling Basin Agreement and relate to the level of water resource development at June 1994.

**carbon and nutrient pathways** means the connected network of streams, riparian zones, floodplains and wetlands that transport dissolved and suspended organic material and nutrients to support ecosystems.

**conversion factor** refers to the adjustment factor that may be applied to the size of share components when they are part of a dealing under section 71O or 71R of the Act.

**extraction component** is the extraction component of an access licence as defined in 56 (1) (b) of the Act.

**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 an access licence to take water under the Act.

**flow regimes** mean, collectively, the magnitudes, durations, frequency and patterns of flows that characterise a river or water source.

**full supply level** is the storage level considered to be the limit for the purposes of storage of water, except in periods of flood operation.

**full supply volume** is the volume of water held in a water storage at the full supply level.

**natural 95<sup>th</sup> percentile daily flow for each month** is the computer model generated daily flow that is exceeded in 95% of days over the entire modelled period in each of the 12 calendar months, using the hydrologic computer model that, at the time, is approved for determining natural flows (i.e. river flows without water storages or water extractions) in these water sources.

**operator** means the operator of the water supply system for the water sources.

**Note.** As at 1 July 2020, this is WaterNSW.

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

**replenishment flows** are flows provided to refill pools and water holes in effluent river systems downstream of the water source and provide water for household and town use and stock.

**reserves** are volumes of water put aside in a water storage to allow the supply of future water requirements.

**supply capability** is defined as the rate at which water that can be supplied to a section of a water source after satisfying the environmental water provisions and the requirements for water to satisfy basic land holder rights.

**target ecological populations** are 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.

**uncontrolled flow** is flow not able to be captured in a water storage that are in excess of that needed to meet the environmental provisions in Division 1 of Part 10, any replenishment flow made under clause 57, basic landholder rights and water orders placed by access licences.

**water storage** means a state-owned dam, weir or other structure which is used to regulate and manage river flows in the water source and the water body impounded by the structure.

**water supply system** includes the water storages and all other factors influencing water supply that are under the control of the operator.

**water use development** includes all privately owned water management structures, all aspects of farm, industry, town or private household development which affect the volumes of water taken from these water sources, and the management practices that are applied in relation to them.

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

**weighted average pricing** is the average value (dollar per megalitre) of water traded where each trade is weighted proportionally by the volume of water involved in the trade. This provides a more accurate representation of the price because trade prices may vary with volume

## Schedule 1 Barwon Darling Flow Targets (clause 48)

### 1 Application

The flow targets under clause 2 of this Schedule apply to clause 48 of this Plan.

### 2 Flow targets

(1) Flows of each of the following:

- (a) 150 ML/day in the Darling River at Wilcannia gauge (425008),
- (b) 280 ML/day in the Darling River at Louth gauge (425004),
- (c) 390 ML/day in the Darling River at Bourke gauge (425003),
- (d) 550 ML/day in the Darling River at Brewarrina gauge (422002),
- (e) 700 ML/day in the Barwon River at Dangar Bridge gauge (422001).

**Note.** This paragraph is intended to protect flows for basic landholder rights along the Barwon- Darling River.

(2) Between September and February inclusive— one flow event for 5 consecutive days of (a) or (b), provided two such flow events have not already occurred during that period in that water year:

- (a) 14,000 ML/day in the Darling River at Brewarrina gauge (422002),
- (b) 10,000 ML/day in the Darling River at Bourke gauge (425003).

**Note.** This paragraph is intended to provide opportunity for the passage of fish across the major weirs in the Barwon-Darling River.

(3) Between October and April inclusive— one flow event for 5 consecutive days of 2,000 ML/day in the Darling River at Wilcannia gauge (425008), provided this target has not been reached during the preceding three months.

**Note.** This paragraph is intended to protect flows needed to suppress blue-green algae blooms.

## Appendix 1 Overview map of the Upper Namoi and Lower Namoi Regulated River Water Sources

