



# **Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010**

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Water, by order make the following Minister's plan.

PHILLIP COSTA, MP  
Minister for Water

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# Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010

## Part 1 Introduction

### 1 Name of this Plan

This Plan is the “Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010” (hereafter *this Plan*).

### 2 Nature and status of this Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000* (hereafter *the Act*).
- (2) This Plan is a plan for water sharing and generally deals with the 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 under another section of the Act, the section is referred to in notes to this Plan.

### 3 Term of this Plan

This Plan commences on 1 July 2010.

**Note:**

(1) In accordance with section 43 of the Act, this Plan will have effect for: (a) 10 years from the date of commencement - if the Plan commenced on 1 July; or (b) 10 years from 1 July next after the date of commencement - if the Plan commenced on a date other than 1 July.

(2) The Minister may extend this Plan for a further period of 10 years after the plan is due to expire, in accordance with section 43A of the Act.

### 4 Application of this Plan

- (1) This Plan applies to the following water sources within the Namoi Water Management Area:
    - (a) the Peel Regulated River Water Source;
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- (b) the Peel Unregulated River Water Sources, comprised of:
  - (i) Chaffey Water Source;
  - (ii) Goonoo Goonoo Creek Water Source;
  - (iii) Upper Peel River Tributaries Water Source;
  - (iv) Lower Peel River Tributaries Water Source; and
  - (v) Cockburn River Water Source;
- (c) the Peel Alluvium Water Source; and
- (d) the Peel Fractured Rock Water Source;

hereafter *these water sources*.

**Note:** The Namoi Water Management Area was constituted by Ministerial order made under section 11 of the *Water Management Act 2000* published in the NSW Government Gazette number 180 on 23 November 2001 at page 9389.

- (2) These water sources are shown on the registered map called The Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources held by the NSW Office of Water, hereafter the *Registered Map*.

**Note.** Copies of the Registered Map may be inspected at the offices listed in Appendix 2.

- (3) The Peel Regulated River Water Source includes all water occurring between the banks of the Peel River, from the upper limit of Chaffey Dam water storage, downstream to the intersection of the Peel River and Namoi River, which at the commencement of this Plan has been declared by the Minister to be a regulated river.
- (4) The Peel Unregulated River Water Sources include:
  - (a) all water occurring naturally on the surface of the ground shown on the Registered Map; and
  - (b) all water in rivers, lakes and wetlands in these water sources;

but does not include the Peel Regulated River Water Source.

- (5) The Peel Alluvium Water Source includes all water contained within all alluvial sediments below the surface of the ground shown on the Registered Map as shown on the Registered Map.
- (6) The Peel Fractured Rock Water Source includes all water contained below the surface of the ground shown on the Registered Map excluding the Peel Alluvium Water Source.

## 5 Management Zones

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

- (a) the Chaffey Water Source is divided as follows:

- (i) Peel River Management Zone; and

**Note.** Peel River Management Zone includes all of the unregulated Peel River within this water source from its confluence with Back Creek downstream to the upper extent of Chaffey Dam.

- (ii) Chaffey Tributaries Management Zone;

**Note.** Chaffey Tributaries Management Zone includes but is not limited to: Alexanders Gully, Allens Gully, Back Creek, Back Gully, Bradfords Gully, Branch Gully, Browns Gully, Burnt Hut Creek, Burrows Creek, Campbells Gully, Canns Creek, Chrome Gully, Dangars Gully, Deep Lead Gully, Duck Ponds Gully, Fig Tree Gully, Fitzpatricks Gully, Folly Creek, Geddes Gully, Graveyard Gully, Green Gully, Happy Valley Creek, Hydes Creek, Jack Wrights Gully, Jimmys Creek, Johnsons Gully, Lime Kiln Gully, Limestone Oaky Creek, Long Gully, Maddens Gully, Mahonys Gully, McIlveens Gully, Morgans Gully, Munro Creek, Nattie Coopers Gully, Nuggetty Creek, Nuggetty Gully, Nundle Creek, Oakenville Creek, Oakey Creek, Odgers Gully, Opossum Gully, Pages Gully, Palmers Gully, Paynes Gully, Quackanacka Creek, Ramsays Gully, Rowdy Gully, Ryans Oaky Creek, Sally Greys Gully, Sawpit Gully, Sheep Station Creek, Silver Gully, Splitters Creek, Spring Gully, Staircase Gully, Swains Gully Swans Gully, Talbots Creek, Wardens Brook, Webbs Gully, Wombramurra Creek, Woodleys Creek, Yahoo Creek, Yellow Rock Creek and the Peel River upstream of its confluence with Back Creek within this water source.

- (b) the Goonoo Goonoo Water Source is divided as follows:

- (i) Downstream Boiling Down Creek Management Zone; and

**Note.** Downstream Boiling Down Creek Management Zone includes all of the Goonoo Goonoo Creek downstream of the confluence of Goonoo Goonoo Creek and Boiling Down Creek within this water source.

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(ii) Upstream Boiling Down Creek Management Zone;

**Note.** Upstream Boiling Down Creek Management Zone includes but is not limited to: Goonoo Goonoo Creek upstream of its confluence with Boiling Down Creek, Stockyard Creek, Scrubby Gully, Saps Gully, Sandy Creek, Rodney Creek, Rangers Valley Creek, Sugarloaf Creek, Oaky Gully, Rocky Gully, Swamp Creek, Swampy Gully, Tamarang Creek, Toms Gully, Wangarang Creek, Warrimoo Creek, Wattle Gully, Yellow Gully, Marapana Creek, Weanyard Gully, Bellvine Gully, Middlebrook Creek, Anembo Creek, Barnes Gully, Benama Creek, Boiling Down Creek, Bourne Creek, Buckley Gully, Burra Creek, Landslide Gully, Banyandah Creek, Algona Creek, Merri Creek, Lambruk Creek, Kiah Creek, Goonang Creek and Garoo Creek within this water source.

(c) the Upper Peel River Tributaries Water Source is divided as follows:

(i) Dungowan Creek Management Zone; and

**Note.** Dungowan Creek Management Zone includes all of the Dungowan Creek within this water source.

(ii) Duncans Creek and Other Tributaries Management Zone;

**Note.** Duncans Creek and Other Tributaries Management Zone includes but is not limited to: Reedy Creek, Paradise Creek, Piallamore Creek, Piallamore Anabranche, Calala Creek, Red Gully, Oaky Creek, Nemingha Creek, Murrawong Creek, Lever Creek, Rocky Creek, Thompsons Gully, Muddy Gully, Sandy Creek, Sawpit Gully, Seymours Creek, Shortens Creek, South Head Creek, Spring Creek, Spring Gully, Stewarts Creek, Lambruk Creek, Terrible Billy Creek, Trough Creek, Wogarda Creek, Swamp Gully, Dingo Gully, Junction Creek, Bakers Downfall Creek, Black Spring Creek, Bog Hole Creek, Brandy Springs Creek, Calala Creek, Cooe Creek, Devils Hole Gully, Big Oaky Creek, Dip Gully, Duncans Creek, Ironbark Creek, Jones Oaky Creek, Jones Gully, Copes Creek, Johnsons Gully, Hell Hole Gully, Georges Gully, Gap Creek, Frews Gully, Frenchmans Gully, Fox Hole Creek, Pipeclay Creek and Johnston Oaky Creek within this water source.

(d) the Lower Peel River Tributaries Water Source is divided as follows:

(i) Moore Creek Management Zone; and

**Note.** Moore Creek Management Zone includes all of the Moore Creek within this water source.

(ii) Lower Peel Tributaries Management Zone;

**Note.** Lower Peel Tributaries Management Zone includes but is not limited to: Long Gully, Oaky Creek, Peel Anabranche, Orchard Creek, Onus Creek, New England Gully, Murroon Creek, Mountain Creek, Red Bank Gully, Long Hollow Gully, The Horse Arm Creek, Log Gully, Menedebri Creek, Trough Gully, Loders Creek, Yellow Gully, Willow Tree Creek, Wild Cattle Creek, Tangaratta Creek, Two Mile Gully, Sandy Creek, Timbumburi Creek, Ten Mile Hollow, Sugarloaf Gully, Spring Creek, Slaty Gully, Wallaby Creek, Browns Gully, Limestone Gully, Burdekins Springs, Attunga Creek, Back Creek, Bettisons Gully, Black Gully, Blue

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Gully, Boggy Camp Gully, Boundary Gully, Browns Springs Creek, Browns Springs Gully, Burdekins Creek, Burkes Gully, Dry Creek, Heifer Creek, Boltons Creek, Flaggy Gully, Butlers Gully, Donnellys Springs Creek, Clay Water Hole Gully, Clay Creek, Catong Gully, Campbells Gully, Clay Gully, Garrieties Gully and Wallamoore Anabranh within this water source.

(e) the Cockburn River Water Source is divided as follows:

(i) Cockburn River Management Zone; and

**Note.** Cockburn River Management includes the Cockburn River downstream of its confluence with the Mulla Mulla Creek within this water source.

(ii) Cockburn River Tributaries Management Zone;

**Note.** Cockburn River Tributaries Management Zone includes but is not limited to: Cockburn River upstream of its confluence with Mulla Mulla Creek, Left Branch Of Shearins Creek, Moggs Gully, Oakey Creek, New England Gully, Mulla Mulla Creek, Moonbi Creek, Monkey Creek, Middle Creek, Loders Creek, Oak Creek, Little Oakey Creek, Shearins Creek, Laheys Creek, Little Oak Creek, Spring Creek, Jersey Creek, Ugly Gully, Teatree Gully, Teatree Creek, Swamp Oak Creek, Sandy Creek, Stockyard Creek, Paddys Gully, Splitters Gully, Seven Mile Creek, Seymours Creek, Robsons Gully, Reedy Creek, Parsons Gully, Stringybark Creek, Branch Creek, Callaghans Gully, Butchers Gully, Jerrys Gully, Coghlands Creek, Bungendore Creek, Cauborn Creek, Boundary Creek, Blaxland Gully, Black Spring Gully, Black Mountain Creek, Big Ben Gully, Shingle Hut Creek, Burkharts Gully, Gaol Creek, Jamiesons Creek, Jail Creek, Gunyah Creek, Callaghans Creek, Cooee Creek, Fox Gully, Flag Creek, Five Mile Gully, Figtree Gully, Fairy Ground Creek, Eagle Gully, Duffys Gully, Dohertys Creek and Gills Oaky Creek within this water source.

(f) the Peel Alluvium Water Source is divided as follows:

(i) Peel Regulated River Alluvium Management Zone;

(ii) Attunga Creek Alluvium Management Zone;

(iii) Moore Creek Alluvium Management Zone;

(iv) Cockburn River Alluvium Management Zone;

(v) Dungowan Creek Alluvium Management Zone;

(vi) Duncans Creek Alluvium Management Zone; and

(vii) Goonoo Goonoo Creek Alluvium Management Zone.

(2) The management zones specified in subclause (1) are shown on the Registered Map.

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## 6 Extraction management units in these water sources

- (1) The Namoi Unregulated Rivers Extraction Management Unit (the *Namoi Unregulated Rivers EMU*) established in the *Water Sharing Plan for the Phillips Creek, Mooki Creek, Quirindi Creek and Warrah Creek Water Sources 2003* applies to the water sources specified in Column 2 of Table A.
- (2) The Namoi Unregulated Rivers EMU is shown on the Registered Map.

**Note.** The Extraction Management Unit will determine the availability of water for extraction from the Peel Unregulated River Water Sources and all other unregulated water sources within that Extraction Management Unit on a long-term basis as provided for in Part 7 of this Plan.

**Note.** The Extraction Management Unit, and any water source to which the Extraction Management Units apply, may be amended as provided for in Part 13 of this Plan.

**Table A – Extraction Management Unit**

	Column 1 – Extraction Management Unit	Column 2 – Water Source
(a)	Namoi Unregulated Rivers EMU	Chaffey Water Source Goonoo Goonoo Creek Water Source Upper Peel River Tributaries Water Source Lower Peel River Tributaries Water Source Cockburn Water Source

**Note.** Column 2 of Table A contains only the water sources within the Namoi Unregulated Rivers EMU that are within this Plan. The Namoi Unregulated Rivers EMU also contains water sources within other plan areas.

## 7 Understanding the rules in this Plan

This Plan contains various rules. Where appropriate, rules specified in this Plan are given effect to by mandatory conditions for access licences and approvals contained in Part 12 of this Plan.

**Note.** The rules in this Plan include environmental water rules, access licence dealing rules, rules for access licences, rules for water supply work approvals, rules for the making of available water determinations and water allocation account rules.

## **8 Interpretation**

- (1) Words and expressions that are defined in the Dictionary in Schedule 1 of this Plan have the meaning set out in that Schedule.
- (2) 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.
- (3) Schedules to this Plan form part of this Plan.
- (4) Notes in the text of this Plan do not form part of this Plan.
- (5) Appendices to this Plan do not form part of this Plan.

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

**Note.** This Part is made in accordance with section 35 (1) of the Act.

### **9 Vision statement**

The vision of this Plan is to provide for sustainable and integrated management of these water sources for the benefit of both present and future generations, to promote healthy and enhanced water dependant ecosystems and to provide for equitable water sharing among users in these water sources.

### **10 Objectives**

The objectives of this Plan are to:

- (a) manage the Peel Valley in a single water sharing plan that recognises the interaction between these water sources;
  - (b) protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources;
  - (c) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these water sources;
  - (d) protect basic landholder rights;
  - (e) manage these water sources to ensure equitable sharing between users;
  - (f) provide opportunities for market based trading of access licences and water allocations within sustainability and system constraints;
  - (g) provide sufficient flexibility in water account management to encourage responsible use of available water;
  - (h) contribute to the maintenance of water quality;
  - (i) provide recognition of the connectivity between surface water and groundwater;
  - (j) adaptively manage these water sources;
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- (k) provide for the continuation of a viable irrigation industry within these water sources; and
- (l) contribute to the environmental and other public benefit outcomes identified under the Water Access Entitlements and Planning Framework in the *Inter-Governmental Agreement on a National Water Initiative (2004)* (NWI).

**Note.** Under the NWI, water that is provided by NSW to meet agreed environmental and other public benefit outcomes as defined within relevant water plans is to: (i) be given statutory recognition and have at least the same degree of security as water access entitlements for consumptive use and be fully accounted for; (ii) be defined as the water management arrangements required to meet the outcomes sought, including water provided on a rules basis or held as a water access entitlement; and (iii) if held as a water access entitlement, may be made available to be traded (where physically possible) on the temporary market, when not required to meet the environmental and other public benefit outcomes sought and provided such trading is not in conflict with these outcomes.

## 11 Strategies

The strategies of this Plan are to:

- (a) establish environmental water rules;
  - (b) identify water requirements for basic landholder rights;
  - (c) identify water requirements for access licences;
  - (d) establish rules for granting of access licences and approvals;
  - (e) establish rules that place limits on the availability of water for extraction;
  - (f) establish rules for making available water determinations;
  - (g) establish rules for the operation of water accounts;
  - (h) establish rules which specify the circumstances under which water may be extracted;
  - (i) establish access licence dealing rules;
  - (j) establish performance indicators; and
  - (k) identify triggers for and limits to changes to the rules in this Plan.
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## 12 Performance indicators

The following indicators are to be used to determine the performance of this Plan against its objectives:

- (a) change in low flow regime;
- (b) change in moderate to high flow regime;
- (c) change in groundwater extraction relative to the long term average annual extraction limit;
- (d) change in local water utilities access;
- (e) change in, or maintenance of, ecological value of key water sources and their dependent ecosystems;
- (f) extent to which basic landholder rights requirements have been met;
- (g) extent to which local water utility requirements have been met;
- (h) extent to which native title rights requirements have been met;
- (i) change in economic benefits derived from water extraction and use; and
- (j) extent of recognition of spiritual, social and customary values of water to Aboriginal people.

**Note.** A Minister's Plan may be audited for the purpose of ascertaining whether its provisions are being given effect to, under section 44 of the Act.

## **Part 3 Bulk access regime**

### **13 Bulk access regime**

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to:
  - (a) the environmental water rules established in Division 1 of Part 4 of this Plan;
  - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan;
  - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan; and
  - (d) the access licence dealing rules established in Part 11 of this Plan;
- (2) The bulk access regime established in this Plan for these water sources:
  - (a) recognises and is consistent with the limits to the availability of water set in relation to these water sources contained in Division 1 of Part 7 of this Plan;
  - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 8 and 9 of this Plan, and available water determinations to be made contained in Division 2 of Part 7 of this Plan;
  - (c) recognises the effect of climatic variability on the availability of water as described in clause 14;
  - (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any increase in average annual extraction against the long term average annual extraction limit, contained in Division 1 of Part 7 of this Plan;
  - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences, contained in Division 1 of Part 12 of this Plan; and

- (f) recognises and is consistent with the water management principles contained in Section 5 of the Act.

#### **14 Climatic variability**

This Plan recognises the effects of climatic variability on river flow and groundwater levels in these water sources by having provisions that:

- (a) manage the sharing of water in these water sources within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 7 of this Plan; and
- (b) manage the sharing of water in specified water sources on a daily basis in the Peel Unregulated River Water Sources, contained in Division 3 of Part 9 of this Plan.

**Note.** Other statutory tools are available to manage climatic variability with 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, 8A, 8B, 8C, 8D, 8E and 20 of the Act.

### **Division 1 Planned environmental water**

#### **15 General**

This Division contains environmental water rules for the commitment, identification, establishment and maintenance of planned environmental water in these water sources.

**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.

#### **16 Commitment and identification of planned environmental water**

- (1) Planned environmental water is committed and identified in these water sources as set out in this clause.
  - (2) Water is committed and identified as planned environmental water in the Peel Unregulated River Water Sources in the following ways:
    - (a) by reference to the commitment of the physical presence of water in the water source, and
    - (b) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.
  - (3) Water is committed and identified as planned environmental water in the Peel Regulated River Water Source, the Peel Alluvium Water Source and the Peel Fractured Rock Water Source in the following ways:
    - (a) by reference to the commitment of the physical presence of water in the water source,
    - (b) by reference to the long-term average annual commitment of water as planned
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environmental water, and

- (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

## 17 Establishment and maintenance of planned environmental water

- (1) Planned environmental water is established and maintained in these water sources as set out in this clause.
- (2) Planned environmental water in these water sources is:
- (a) the physical presence of water that:

- (i) results from the environmental release rules from Chaffey Dam as specified in clause 31, the water released from the inter-valley trading account in accordance with the rules specified in clause 32, and the limitations on access to uncontrolled flows for regulated river (general security) access licences as specified in clause 62 for the Peel Regulated River Water Source;

**Note.** The rules in clause 31 set water aside in Chaffey Dam for the purpose of making releases later in the water year for environmental purposes. The rules in clause 32 release water from Chaffey Dam through to the end of Peel Regulated River Water Source. The rules in clause 62 (4) protect 50% of uncontrolled flow volumes that arise from unregulated inflows to the water source above the specified flow thresholds for the environment.

- (ii) results from the access rules specified in Division 3 of Part 9 of this Plan for the Peel Unregulated River Water Sources;

**Note.** The rules in Division 3 of Part 9 of this Plan for the Peel Unregulated River Water Sources set flow rates or flow levels below which pumping under access licences is not permitted. Some limited exemptions apply.

- (iii) is equal to 54% and 50% of the long term average annual recharge to the Peel Alluvium Water Source and the Peel Fractured Rock Water Source respectively; and

**Note.** At the commencement of this Plan the average annual recharge for the Peel Alluvium Water Source and Peel Fractured Rock Water Source are estimated to be 20,120 ML/yr and 142,526 ML/yr respectively.

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- (iv) is within the groundwater storage of the Peel Alluvium Water Source and the Peel Fractured Rock Water Source over the long term.
- (b) the long-term average annual commitment of water as planned environmental water in:
  - (i) the Peel Regulated River Water Source that results from the application of the environmental release rules from Chaffey Dam as specified in clause 31, the limitations on access to uncontrolled flows as specified in clause 62, the available water determination rules as specified in Division 2 of Part 7, the water allocation account management rules as specified in Part 9, and the resulting long-term average annual extraction limit as specified in Division 1 of Part 7.

**Note.** At the commencement of this Plan the long-term average annual commitment of water to the environment in the Peel Regulated River Water Source has been estimated to be 252,900 ML/year made using the Peel IQQM with system file W59. This equates to approximately 95% of the long-term average annual flow in this water source, calculated using the Peel IQQM with system file N100.
  - (ii) the Peel Alluvium Water Source and the Peel Fractured Rock Water Source is equal to 54% and 50% of the long-term average annual recharge respectively,
- (c) the water remaining after water has been taken pursuant to basic landholder rights and access licences in:
  - (i) the Peel Regulated River Water Source, in accordance with the rules specified in Part 7 and Division 1 and 2 of Part 9;
  - (ii) the Peel Unregulated River Water Sources, in accordance with the rules specified in Part 7 and Division 1 and 3 of Part 9;
  - (iii) the Peel Alluvium Water Source, in accordance with the rules specified in Part 7 and Division 1 and 4 of Part 9; and
  - (iv) the Peel Fractured Rock Water Source, in accordance with the rules specified in Part 7 and Division 1 of Part 9.

- (3) The planned environmental water established under subclause (2) paragraph (a) is maintained in:
    - (a) the Peel Regulated River Water Source by the environmental release rules from Chaffey Dam as specified in clause 31, the water released from the inter-valley trading account in accordance with the rules specified in clause 32, and Division 2 of Part 9 of this Plan;
    - (b) the Peel Unregulated River Water Sources, by the rules specified in Division 3 of Part 9 of this Plan;
    - (c) the Peel Alluvium Water Source by the rules specified in Part 7 and Division 1 and 4 of Part 9 of this Plan; and
    - (d) the Peel Fractured Rock Water Source by the rules specified in Part 7 and Division 1 of Part 9.
  - (4) The planned environmental water established in subclause (2) paragraph (b) is maintained in the Peel Regulated River Water Source by the environmental release rules from Chaffey Dam as specified in clause 31, the limitations on access to uncontrolled flows as specified in clause 62, the available water determination rules as specified in Division 2 of Part 7, the water allocation account management rules as specified in Part 9, and the resulting long-term average annual extraction limit as specified in Division 1 of Part 7.
  - (5) The planned environmental water established in subclause (2) paragraph (b) is maintained in the Peel Alluvium Water Source and the Peel Fractured Rock Water Source by the rules in Division 1 and 2 of Part 7 which limit the water available for extraction under access licences.
  - (6) The planned environmental water established under subclause (2) paragraph (c) is maintained in:
    - (a) the Peel Regulated River Water Source by the rules specified in Part 7 and Division 1 and 2 of Part 9 of this Plan;
    - (b) the Peel Unregulated River Water Sources, by the rules specified in Part 7 and
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Division 1 and 3 of Part 9 of this Plan;

- (c) the Peel Alluvium Water Source by the rules specified in Part 7 and Division 1 and 4 of Part 9 of this Plan; and
- (d) the Peel Fractured Rock Water Source by the rules specified in Part 7 and Division 1 of Part 9 of this Plan.

**Note.** Division 1 and 2 of Part 7 of this Plan ensures compliance with the long-term average annual extraction limit by providing for the reduction in available water determinations when the long-term average annual extraction limit has been exceeded in any water year.

## **Division 2 Adaptive environmental water**

### **18 Adaptive environmental water provisions**

- (1) A holder of an access licence in these water sources may request that the Minister impose an adaptive environmental water condition in respect of the whole or a part of the access licence, in accordance with section 8B of the Act.
- (2) An access licence may be granted in these water sources in accordance with section 8C of the Act.
- (3) An access licence surrendered by its holder may be kept by the Minister, or transferred, or changed to a different category or subcategory, in accordance with section 8D of the Act.

## Part 5 Requirements for water

### Division 1 General

#### 19 Application

- (1) This Part identifies the requirements for water from these water sources for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The amounts of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in these water sources, and the total volumes or unit shares to be specified in the share components of all access licences in these water sources. The actual volumes of water available in these water sources at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in these water sources and the total share components of all access licences authorised to extract water from these water sources may change during the term of this Plan. This Plan manages such changes by having provisions that share water within the limits of water availability, as provided for in Division 1 of Part 7 of this Plan.

**Note.** The total share components of access licences in these water sources may change during the terms of this Plan as a result of (a) the granting, surrender or cancellation of access licences in these water sources, (b) the variation of local water utility licences under section 66 of the Act, or (c) changes due to the conversion of *Water Act 1912* entitlements.

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

#### 20 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 14.12 megalitres per day (hereafter *ML/day*), distributed as follows:

- (a) 0.82 ML/day in the Peel Regulated River Water Source;

- (b) 1.54 ML/day in the Peel Unregulated River Water Sources, comprised of:
  - (i) 0.04ML/day in the Chaffey Water Source;
  - (ii) 0.39 ML/day in the Goonoo Goonoo Creek Water Source;
  - (iii) 0.22 ML/day in the Upper Peel River Tributaries Water Source;
  - (iv) 0.29 ML/day in the Lower Peel River Tributaries Water Source; and
  - (v) 0.60 ML/day in the Cockburn River Water Source;
- (c) 0.66 ML/day in the Peel Alluvium Water Source; and
- (d) 11.1 ML/day in the Peel Fractured Rock Water Source.

**Note.**

(1) Domestic and stock rights are set out in Part 1 of Chapter 3 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act with respect to the taking and use of water for domestic consumption or stock watering.

(2) Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these water sources should not be consumed without first being tested and, if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

## 21 Native title rights

At the commencement of this Plan, there are no native title rights in these water sources. Therefore the water requirements for native title rights total 0 ML/year.

**Note.** A change in native title rights may occur pursuant to the provisions of the *Native Title Act 1993* (Cth).

## 22 Harvestable rights

The requirement for water under harvestable rights in these water sources is the total amount of water that owners or occupiers of landholdings are entitled to capture and store in these water sources, pursuant to a harvestable rights order made under Part 1 of Chapter 3 of the Act.

### **Division 3 Requirements for water for extraction under access licences**

#### **23 Share components of domestic and stock access licences**

It is estimated that at the time of commencement of this Plan, the share components of domestic and stock access licences authorised to take water from these water sources will total 1,263 megalitres per year (hereafter *ML/year*), distributed as follows:

- (a) 169 ML/year in the Peel Regulated River Water Source;
- (b) 209 ML/year in the Peel Unregulated River Water Sources; comprising of the following:
  - (i) 15.5 ML/year in the Chaffey Water Source;
  - (ii) 28 ML/year in the Goonoo Goonoo Water Source;
  - (iii) 28.5 ML/year in the Upper Peel River Tributaries Water Source;
  - (iv) 64 ML/year in the Lower Peel River Tributaries Water Source; and
  - (v) 73 ML/year in the Cockburn River Water Source.
- (c) 266 ML/year in the Peel Alluvium Water Source; and
- (d) 619 ML/year in the Peel Fractured Rock Water Source.

#### **24 Share components of local water utility access licences**

It is estimated that at the time of commencement of this Plan, the share components of local water utility access licences authorised to take water from these water sources will total 22,630 ML/year, distributed as follows:

- (a) 16,400 ML/year in the Peel Regulated River Water Source;
- (b) 5,600 ML/year in the Upper Peel River Tributaries Water Source;
- (c) 530 ML/year in the Peel Alluvium Water Source;

- (d) 100 ML/year in the Peel Fractured Rock Water Source; and
- (e) 0 ML/year in all other water sources.

## **25 Share components of unregulated river access licences**

It is estimated that at the time of commencement of this Plan, the share components of unregulated river access licences authorised to take water from these water sources will total 11,898 unit shares, distributed as follows:

- (a) 384.5 unit shares in the Chaffey Water Source;
- (b) 1,033.5 unit shares in the Goonoo Goonoo Creek Water Source;
- (c) 3,638 unit shares in the Upper Peel River Tributaries Water Source;
- (d) 2,477 unit shares in the Lower Peel River Tributaries Water Source;
- (e) 4,365 unit shares in the Cockburn River Water Source; and
- (f) 0 unit shares in all other water sources.

## **26 Share components of aquifer access licences**

It is estimated that at the time of commencement of this Plan, the share components of aquifer access licences authorised to take water from these water sources will total 28,354 unit shares, distributed as follows:

- (a) 18,379 unit shares in the Peel Alluvium Water Source;
- (b) 9,975 unit shares in the Peel Fractured Rock Water Source; and
- (c) 0 unit shares in all other water sources.

## **27 Share components of aquifer (general security) access licences**

It is estimated that at the time of commencement of this Plan, the share components of aquifer (general security) access licences authorised to take water from the Peel Alluvium Water Source will total 32,206 unit shares.

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**Note.** Aquifer (general security) access licences can only be used to take water from the Peel Regulated River Alluvium Management Zone in the Peel Alluvium Water Source.

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

It is estimated that at the time of commencement of this Plan, the share components of regulated river (high security) access licences authorised to take water from the Peel Regulated River Water Source will total 804 unit shares.

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

It is estimated that at the time of commencement of this Plan, the share components of regulated river (general security) licences authorised to take water from the Peel Regulated River Water Source will total 30,335 unit shares.

## **Part 6 System Operation Rules**

### **30 General**

The rules in this Part apply to the Peel Regulated River Water Source.

### **31 Environmental release rules from Chaffey Dam**

- (1) Until the storage capacity of Chaffey Dam has been enlarged to 100,000 megalitres (hereafter *ML*) the following rules shall apply:
    - (a) if at the start of a water year the volume of water in Chaffey Dam water storage is greater than 50,000 ML, then the next 1,600 ML of inflows to Chaffey Dam shall be set aside in Chaffey Dam for the purpose of releasing a flow called a stimulus flow from Chaffey Dam;
    - (b) if at the start of a water year the volume of water in Chaffey Dam water storage is equal to or less than 50,000 ML then, the first time during that water year the volume of water in Chaffey Dam water storage increases to more than 50,000 ML, then the next 1,600 ML of inflows to Chaffey Dam shall be set aside for the purpose of releasing a flow called a stimulus flow from Chaffey Dam;
    - (c) after 1,600 ML has been set aside under paragraph (a) or (b) for a stimulus flow, it shall be released from Chaffey Dam between 1 July and 31 August or between 1 March and 30 June in the following calendar year, if a flow of 500 ML/day or greater has not occurred in the Peel River at Piallamore in the preceding 90 days;
    - (d) a stimulus flow release made under paragraph (c) should continue for a period of 7 days with a total volume of 1,600 ML and a peak of 500 ML/day occurring on the second day; and
    - (e) extraction of the stimulus flow under regulated river (general security) access licences is permitted to the extent specified in clause 62.
  - (2) After the storage capacity of Chaffey Dam has been enlarged to 100,000 ML or greater, an environmental contingency allowance (hereafter *ECA*) is to be set aside in Chaffey Dam water storage and managed in accordance with the following:
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- (a) an account of the ECA water that is set aside in Chaffey Dam is to be kept;
  - (b) whenever an available water determination for regulated river (general security) access licences is made, a volume of water in megalitres that is equivalent to 5,000 multiplied by that available water determination shall be allocated to the ECA account;
  - (c) water in the ECA account shall be released to return some of the natural flow variability to the upper reaches of the Peel River which have been adversely affected by river regulation;
  - (d) where the capacity to release water from Chaffey Dam is insufficient to meet the ECA release requirements plus access licence water orders for that same day then access licence water orders shall have priority;
  - (e) the ECA account shall be deducted with a volume of water equal to the amount released from Chaffey Dam under paragraph (c);
  - (f) any unused water remaining in the ECA account at the end of the water year cannot be carried over to the following water year; and
  - (g) extraction of ECA releases under regulated river (general security) access licences is permitted to the extent specified in clause 62.
- (3) A minimum daily release will be made from Chaffey Dam that is equal to 3 ML except when a release of greater than 3 ML/day is required to meet basic landholder rights and access licence extractions or when a release is being made under subclauses (1) or (2).

### **32 Inter-valley trading account rules**

- (1) If the sum of share components of all access licences that specified the Peel Regulated River Water Source, that have been subject to a dealing under clause 85 subclause (2) exceeds 7,500 ML, then an inter-valley trading account will be established.
- (2) After the account has been established under subclause (1), a volume of water will be allocated to the inter-valley trading account equal to any subsequent available water

determination made for regulated river (general security) access licences, multiplied by 40% of the sum of share components for all access licences that specified the Peel Regulated River Water Source, that were subject to a dealing under clause 85 subclause (2) paragraph (c) in excess of 7,500 ML.

**Note.** The maximum volume of the inter-valley trading account is 3,000 ML.

- (3) The amount of water that is allocated to the inter-valley trading account under subclause (2) shall be set aside in Chaffey Dam until released or until the end of the water year.
- (4) Water allocated to the inter-valley trading account will not be carried over from one water year to the next.
- (5) The release of water set aside in Chaffey Dam under subclause (3) shall be determined by State Water so as to meet any water requirements to the Lower Namoi Regulated River Water Source and cannot be used to satisfy water requirements in the Peel Regulated River Water Source.
- (6) The inter-valley trading account will be deducted with a volume of water equal to the amount of water required under subclause (5) as measured at Carroll Gap.

### **33 Water delivery and channel capacity constraints**

Where necessary for determining numerical extraction components, managing water releases or providing water under access licences, the maximum water delivery or operating channel capacity in this water source, or in any section of this water source, shall be determined and specified in accordance with procedures established by the Minister, taking into account:

- (a) 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; and
- (d) capacities of water management structures controlled by the Minister.

**Note.** There are no defined channel constraints at the commencement of this Plan.

### **34 Rates of change to storage releases**

Rules regarding rates of change to releases from water storages should be specified in accordance with any procedures established by the Minister and should take into account:

- (a) relevant environmental considerations;
- (b) damage to river banks; and
- (c) public safety.

### **35 Supply of orders when remaining allocations are low**

- (1) If, in the opinion of the Minister, the total remaining volume of water in access licence allocation accounts has reduced to a level where the continuous delivery of water orders would involve unacceptably high delivery losses, then water orders may be grouped and released periodically.
- (2) The Minister should consult with irrigation industry representatives regarding the circumstances under which action under subclause (1) should be taken and the manner of management.

**Note.** During the course of an extended drought, the implementation of the above provisions may result in short term ordering delays.

### **36 Dam operation during floods and spills**

The operation of Chaffey Dam during times of flood and spilling of water is to be undertaken in a manner that maintains the safety of dam infrastructure.

### **37 Supply for domestic and stock and native title rights**

- (1) The water supply system in the Peel Regulated River Water Source shall be managed so that it would be capable of maintaining supply to those exercising domestic and stock rights and native title rights in the water source through a repeat of the worst period of low inflows to the Peel Regulated River Water Source, as represented by flow information held by the NSW Office of Water.
- (2) To achieve subclause (1), sufficient volumes of water must be set aside from assured

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inflows into the Peel Regulated River Water Source and in reserves held in Chaffey Dam.

## Part 7 Limits to the availability of water

### Division 1 Long-term average annual extraction limit

#### 38 General

The availability of water for extraction in these water sources on a long-term basis is to be managed in accordance with this Part.

#### 39 Volume of the long-term average annual extraction limit

- (1) This clause establishes a long-term average annual extraction limit by reference to the water sources and extraction management units specified in this clause.

**Note.** The sum of the long term average annual extraction limits for these water sources combined is estimated to be 110,000 ML.

- (2) The long-term average annual extraction limit for the Peel Regulated River Water Source is the lesser of:

- (a) the long term average annual extraction from this water source that would occur with the water storages and water use development that existed in 2007/2008, the share components existing at the commencement of this Plan and the application of the rules defined in this Plan, plus the long term average annual extraction from Dungowan Dam water storage by a local water utility access licence; or

**Note.** The rules referred to in paragraph (a) include any rules within this Plan that impact on the amount of water that can be extracted, or conditions under which water may be extracted from the Peel Regulated River Water Source, including the environmental release rules in Part 6 and access rules in Division 2 of Part 9 of this Plan.

- (b) the long term average annual extraction from this water source that would occur under Cap baseline conditions as agreed under the Murray Darling Basin Agreement Schedule 1 of the *Water Act 2007* (Cth), plus the long term average annual extraction from Dungowan Dam water storage by a local water utility access licence.

**Note.** An assessment of the long term average annual extraction that would occur under the conditions specified in subclause (2) paragraph (a) has been made using the Peel IQQM

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computer model with system file W59. This indicates a long term average annual extraction volume of 15,100 ML at the commencement of this Plan.

**Note.** An assessment of the average annual extraction that would occur under the conditions specified in subclause (2) paragraph (a) has also been made for the period 1991 to 1998 using the Peel IQQM computer model with system file W59. This indicates that irrigation extractions over that period would average 7,600 ML and town water supply extractions over that period would average 8,600 ML and a total average of 16,200 ML.

**Note.** An assessment of the long term average annual extraction that would result from the Cap baseline conditions specified in subclause (2) paragraph (b) has been made using the Peel IQQM computer model with system file C103. This indicates a long term average annual extraction volume of 15,100 ML at the commencement of this Plan.

**Note.** The long term average annual extraction limit recognises the effect of known 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.

(3) The long-term average annual extraction limit for the Namoi Unregulated Rivers EMU is equal to the sum of:

- (a) the estimated annual extraction of water averaged over the period from July 1993 to June 1999 calculated for each *Water Act 1912* entitlement in the Namoi Unregulated Rivers EMU issued under Part 2 of the *Water Act 1912* in existence immediately prior to the commencement of a water sharing plan for the water sources in the Namoi Unregulated Rivers EMU, excluding those entitlements licensed to extract water from Wallamoore Anabranh and local water utility access licences used to extract water from Dungowan Dam; and
- (b) the estimated annual water requirements for domestic and stock and native title rights in the Namoi Unregulated Rivers EMU.

**Note.** The Namoi Unregulated Rivers EMU includes all unregulated river water sources within the Namoi Water Management Area.

(4) The long-term average annual extraction limit for the Peel Alluvium Water Source is 9,344 ML.

**Note.** The long term average annual extraction limit for the Peel Alluvium Water Source is as follows:

- (a) average annual extractions over the period from July 1997 to June 2004 for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were metered; plus
- (b) an estimate of annual extraction of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were not metered; plus

- (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source; plus
  - (d) an estimate of annual extraction of water averaged over the period from July 1993 to June 1999 for those entitlements issued under Part 2 of the *Water Act 1912* in existence immediately prior to the commencement of this Plan, licensed to extract water from Wallamoore Anabranch.
- (5) The long-term average annual extraction limit for the Peel Fractured Rock Water Source is 71,218 ML.

**Note.** The long term average annual extraction limit for the Peel Fractured Rock Water Source is equal to the estimated sustainable yield for the water source. The Peel Fractured Rock Water Source contains water of variable yield and quality and there is no guarantee of individual works accessing sufficient yields for production purposes.

#### **40 Calculation of the long term average annual extraction limit and current levels of annual extraction**

- (1) After each water year, the total volume of water extracted during that water year under access licences and pursuant to basic landholder rights shall be calculated for each water source and EMU specified in clause 39.
- (2) In the Peel Regulated River Water Source:
  - (a) the long term average annual extraction limit, as defined in clause 39 subclause (2), may be reassessed to incorporate new information;
  - (b) the long term average annual extraction limit and current levels of long term average annual extraction will be calculated using the hydrologic computer model that, at the time, is approved by the NSW Office of Water for assessing long term extraction from this water source;
  - (c) the calculation of the long term average annual extraction limit, as defined in clause 39 subclause (2), and current levels of long term average annual extraction will comprise:
    - (i) all water extractions by holders of all categories of access licences in the water source, except for those access licences to which section 8C of the Act relates;
    - (ii) all water extractions under those local water utility access licences used

to extract water from Dungowan Dam water storage;

(iii) floodplain harvesting extractions determined to be taken for use in conjunction with extractions under access licences in this water source; and

(iv) all water extractions pursuant to domestic and stock rights and native title rights.

**Note.** The reassessment of the long term average annual extraction limit in paragraph (a) assists in meeting the Plan objective of adaptive management of these water sources.

(3) In the Namoi Unregulated Rivers EMU, for the purposes of calculating current levels of annual extraction, the following shall be taken into account:

(a) all water extractions by holders of all categories of access licences in the water source, except for those access licences to which section 8C of the Act relates and except all water extractions under those local water utility access licences used to extract water from Dungowan Dam water storage; and

(b) all water extractions pursuant to domestic and stock rights and native title rights.

(4) In the Peel Alluvium Water Source and the Peel Fractured Rock Water Source, for the purposes of calculating current levels of annual extraction, the following shall be taken into account:

(a) all water extractions by holders of all categories of access licences in the respective water source, except for those access licences to which section 8C of the Act relates; and

(b) all water extractions pursuant to domestic and stock rights and native title rights.

#### **41 Assessment of average annual extraction against the long term average annual extraction limit**

(1) An assessment of average annual extractions against the long term average annual

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extraction limit is to be conducted for each water source or extraction management unit, as set out in this clause.

- (2) For the Peel Regulated River Water Source, the assessment referred to in subclause (1) is to be undertaken as follows:
  - (a) commencing in the second year of this Plan, the average of annual total extractions for the preceding ten water years (including years prior to the commencement of this Plan) is to be compared to the average modelled annual extractions for the same period under the long term average annual extraction limit conditions referred to in clause 39 subclause (2);
  - (b) if the average of annual total extractions for the preceding ten water years exceeds the average modelled total annual extractions for the same period under the long term average annual extraction limit conditions referred to in clause 39 subclause (2) by more than 20% then a further assessment shall be undertaken;
  - (c) the further assessment referred to in paragraph (b) shall be based on a comparison of the long term average annual modelled extractions under current conditions and long term average annual extraction limit conditions as set out in clause 40 (2); and
  - (d) to assess the long term average annual modelled extractions for current conditions under paragraph (c) the model shall be set to represent as closely as possible all water use development, supply system management and other factors affecting the long term average annual extraction volume from this water source at the time of assessment.
- (3) For the Namoi Unregulated Rivers EMU and the Peel Fractured Rock Water Source, commencing in year four of this Plan, the assessments referred to in subclause (1) shall compare the long term average annual extraction limit established in clauses 39 (3) and 39 (5) respectively, against the annual extraction averaged over the preceding 3 water years in the respective extraction management unit or water source.
- (4) For the Peel Alluvium Water Source, commencing in year two of this Plan, the assessment referred to in subclause (1) shall compare the long term average annual

extraction limit established in clause 39 subclause (4), against the annual extraction averaged over the preceding 5 water years (including years prior to the commencement of this Plan) in the water source.

#### **42 Compliance with the long term average annual extraction limit in the Peel Regulated River Water Source**

- (1) Compliance with the long-term average annual extraction limit established for the Peel Regulated River Water Source is to be managed in accordance with this clause.
- (2) If, in the Minister's opinion, the further assessments undertaken under clause 41 (2) paragraphs (b), (c) and (d) demonstrate that current modelled long term average annual extractions, minus 95% of the growth in extraction by the City of Tamworth has exceeded the long-term average annual extraction limit by 3% or more; then the maximum available water determination that can be made for regulated river (general security) access licences shall be reduced in the following water year by an amount that, in the Minister's opinion, is necessary to return extraction in the water source to the long term average annual extraction limit established in this Part.  
**Note.** Any necessary reductions to available water determinations as a result of this clause will be staged so as to avoid any undue oscillation in available water determinations as a result of the high inactive ratio of licences in this water source.
- (3) For the purpose of subclause (2) extraction by the City of Tamworth shall include all extraction under licences listed in Schedule 5 and all licences arising from licences listed in Schedule 5.
- (4) Growth in extraction by the City of Tamworth for the purposes of subclause (2) shall be the greater of:
  - (a) the current long term average annual modelled extractions for the City of Tamworth minus the long term average annual modelled extraction for the City of Tamworth under Cap baseline conditions as described in clause 39 subclause (2) paragraph (b);
  - (b) zero.

#### **43 Compliance with the long-term average annual extraction limit in the Peel Unregulated River Water Sources**

- (1) Compliance with the long-term average annual extraction limit established for the Peel Unregulated River Water Sources is to be managed in accordance with this clause.
- (2) Commencing in the fourth year of this Plan, if, in the Minister's opinion, the assessment under clause 41 subclause (3) demonstrates that annual extractions in the Namoi Unregulated Rivers EMU averaged over the preceding three water years, has exceeded the long term average annual extraction limit for the Namoi Unregulated Rivers EMU by 5% or more, then the available water determinations for unregulated river access licences are to be reduced in the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) shall be of an amount that, in conjunction with reductions to available water determinations made in those water sources in the Namoi Unregulated Rivers EMU that are outside of this Plan, is in the Minister's opinion, necessary to return average annual extractions in the Namoi Unregulated Rivers EMU to the long term average annual extraction limit established in this Part.

**Note.** The effect of subclause (3) is that reductions to available water determinations under subclause (2) will apply to all Peel Unregulated River Water Sources within the Namoi Unregulated Rivers EMU. The same reductions to available water determinations will apply to all other water sources unregulated river water sources within the Namoi Unregulated Rivers EMU.

#### **44 Compliance with the long-term average annual extraction limit in the Peel Fractured Rock Water Source**

- (1) Compliance with the long-term average annual extraction limit established for the Peel Fractured Rock Water Source is to be managed in accordance with this clause.
- (2) Commencing in the fourth year of this Plan, if, in the Minister's opinion, the assessment under clause 41 subclause (3) demonstrates that annual extractions in the Peel Fractured Rock Water Source averaged over the preceding three water years, has exceeded the long term average annual extraction limit for that water source by 5% or more, then the available water determinations for aquifer access licences are to be reduced in the following water year in accordance with subclause (3).

- (3) The reduction under subclause (2) shall be of an amount that, in the Minister's opinion, is necessary to return average annual extractions in the water source to the long term average annual extraction limit established in this Part.

#### **45 Compliance with the long-term average annual extraction limit in the Peel Alluvium Water Source**

- (1) Compliance with the long-term average annual extraction limit established for the Peel Alluvium Water Source is to be managed in accordance with this clause.
- (2) Commencing in the second year of this Plan, if, in the Minister's opinion, the assessment under clause 41 subclause (4) demonstrates that annual extractions in the Peel Alluvium Water Source averaged over the preceding five water years (including the years prior to the commencement of this Plan) has exceeded the long term average annual extraction limit for the water source by 15% or more, then the available water determinations for aquifer access licences and aquifer (general security) access licences in that water source are to be reduced in the following water year in accordance with subclause (3).
- (3) The total reduction to the available water determinations for aquifer access licences and aquifer (general security) access licences under subclause (2) shall:
  - (a) be of an amount that, in the Minister's opinion, is necessary to return average annual extractions in the water source to the long term average annual extraction limit established in this Part.
  - (b) be applied to aquifer (general security) access licences in the same proportions as specified in clause 53 subclause (1) paragraphs (a) and (b).

### **Division 2 Available water determinations**

#### **46 General**

- (1) Available water determinations made for access licences in these water sources are to be expressed as either:
    - (a) a percentage of share component, for access licences which have share components specified as megalitres per year; or
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- (b) megalitres per unit share, for access licences which have share components specified as a number of unit shares.
- (2) Subject to subclause (3), the sum of available water determinations made for any access licence in these water sources shall not, in any water year, exceed:
  - (a) 100% of the access licence share component, for all access licences where share components are specified as megalitres per year; or
  - (b) 1 megalitre per unit share of the access licence share component, for all access licences, excluding regulated river (general security) access licences, where share components are specified as a number of unit shares; or
  - (c) 1 megalitre per unit share of the access licence share component or such lower amount that results from Division 1 of this Part, for all regulated river (general security) access licences.
- (3) For the first year of this Plan only, subclause (2) does not apply to access licences with a share component that specifies the Peel Unregulated River Water Sources or aquifer access licences with a share component that specifies the Peel Alluvium Water Source.

#### **47 Available water determinations for domestic and stock access licences**

- (1) In the Peel Unregulated River Water Sources, an available water determination of 200% of share components shall be made at the commencement of this Plan, for domestic and stock access licences.
  - (2) In the Peel Unregulated River Water Sources, an available water determination of 100% of share components shall be made at the commencement of each subsequent water year of this Plan, for domestic and stock access licences.
  - (3) In the Peel Alluvium Water Source and the Peel Fractured Rock Water Source, an available water determination of 100% of share components shall be made at the commencement of each water year for domestic and stock access licences.
  - (4) In the Peel Regulated River Water Source, an available water determination of 70% of
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share components shall be made at the commencement of each water year for domestic and stock access licences.

- (5) Sufficient volumes of water shall be set aside from assured inflows into the Peel Regulated River Water Source and reserves held in Chaffey Dam water storage so that available water determinations of 70% of share components for domestic and stock access licences in that water source, provided for in subclause (4), can be maintained through a repeat of the worst period of inflows into this water source, as represented in flow information held by the NSW Office of Water.
- (6) Subject to the limits in clause 46 subclause (2) paragraph (a), if additional water is available an additional available water determinations for domestic and stock access licences in the Peel Regulated River Water Source shall be made.

#### **48 Available water determinations for local water utility access licences**

- (1) In the Peel Unregulated River Water Sources, an available water determination of 200% of share components shall be made at the commencement of this Plan, for local water utility access licences.
  - (2) In the Peel Unregulated River Water Sources, an available water determination of 100% of share components shall be made at the commencement of each subsequent water year of this Plan, for local water utility access licences.
  - (3) In the Peel Alluvium Water Source and the Peel Fractured Rock Water Source, an available water determination of 100% of share components shall be made at the commencement of each water year for local water utility access licences.
  - (4) In the Peel Regulated River Water Source, an available water determination of 70% of share components shall be made at the commencement of each water year for local water utility access licences.
  - (5) Sufficient volumes of water shall be set aside from assured inflows into the Peel Regulated River Water Source and reserves held in Chaffey Dam water storage so that available water determinations of 70% of share components for local water utility access licences in that water source, provided for in subclause (4), can be maintained through a repeat of the worst period of low inflows into these water sources, as
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represented in flow information held by the NSW Office of Water.

- (6) Subject to the limits in clause 46 subclause (2) paragraph (a), if additional water is available, an additional available water determinations for local water utility access licences in the Peel Regulated River Water Source shall be made.

**Note.** The effect of clauses 48, 49 and 50 is such that an available water determination for regulated river (general security) access licences cannot be made until the available water determinations for local water utility access licences reach 100% of share components and for regulated river (high security) access licences reach 1 ML per unit of share component.

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

- (1) In the Peel Regulated River Water Source, an available water determination of 0.5 ML per unit share component shall be made at the commencement of each water year, whenever possible, for regulated river (high security) access licences.
- (2) Sufficient volumes of water shall be set aside from assured inflows into the Peel Regulated River Water Source and reserves held in Chaffey Dam water storage so that available water determinations of 0.5 ML per unit of share component for regulated river (high security) access licences in that water source, provided for in subclause (1), can be maintained through a repeat of the worst period of low inflows into these water sources, as represented in flow information held by the NSW Office of Water.
- (3) Subject to the limits in clause 46 subclause (2) paragraph (b), additional available water determinations for regulated river (high security) access licences in the Peel Regulated River Water Source may be made after the sum of available water determinations for domestic and stock and local water utility access licences in that water source in that water year equals 100% of share components and there is sufficient water available after making provision for:
- (a) the environmental release rules established in clauses 31 and 32;
  - (b) requirements for domestic and stock rights;
  - (c) requirements for native title rights;
  - (d) requirements for domestic and stock access licences;
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- (e) requirements for local water utility access licences;
- (f) allocations remaining in access licence water allocation accounts from previous available water determinations;
- (g) water losses associated with the holding and delivery of water to meet the requirements specified in paragraphs (a) to (f);
- (h) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from available water determinations; and
- (i) any other relevant matters.

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

- (1) Subject to the limits in 46 (2) (c), available water determinations for regulated river (general security) access licences in the Peel Regulated River Water Source may be made after the sum of available water determinations for regulated river (high security) access licences in that water source in that water year equals 1 ML per unit of share component and there is sufficient water available after taking into account:
    - (a) the environmental water provisions established by this Plan;
    - (b) requirements for domestic and stock rights;
    - (c) requirements for native title rights;
    - (d) requirements for domestic and stock access licences;
    - (e) requirements for local water utility access licences;
    - (f) requirements for regulated river (high security) access licences;
    - (g) allocations remaining in access licence water allocation accounts from previous available water determinations;
    - (h) water losses associated with the holding and delivery of water to meet the requirements specified in paragraphs (a) to (g);
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- (i) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from available water determinations; and
- (j) any other relevant matters.

**Note.** Where the long-term average annual extraction limit has been exceeded, then the available water determination for regulated river (general security) access licences may be reduced in accordance with Division 1 of this Part.

### **51 Available water determinations for unregulated river access licences**

- (1) In the Peel Unregulated River Water Sources, an available water determination of 2 ML per unit of share component shall be made at the commencement of this Plan, for unregulated river access licences.
- (2) In the Peel Unregulated River Water Sources, an available water determination shall be made at the commencement of each subsequent water year, for unregulated river access licences and shall equal 1 ML per unit of share component or such lower amount that results from Division 1 of this Part.

**Note.** Where the long-term average annual extraction limit has been exceeded, then the available water determination for unregulated river access licences will be reduced in accordance with Division 1 of this Part.

### **52 Available water determinations for aquifer access licences**

- (1) In the Peel Alluvium Water Source, an available water determination of 2 ML per unit of share component shall be made at the commencement of this Plan, for aquifer access licences.
- (2) In the Peel Alluvium Water Source, an available water determination of 1 ML per unit of share component or such lower amount that results from Division 1 of this Part, shall be made at the commencement of each subsequent water year of this Plan, for aquifer access licences.
- (3) In the Peel Fractured Rock Water Source an available water determination shall be made at the commencement of each water year for aquifer access licences and shall equal 1 ML per unit of share component or such lower amount that results from Division 1 of this Part.

**Note.** Where the long-term average annual extraction limit has been exceeded, then the

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available water determination for aquifer access licences will be reduced in accordance with Division 1 of this Part.

**53 Available water determinations for aquifer (general security) access licences**

- (1) In the Peel Alluvium Water Source an available water determination shall be made at the commencement of each water year for aquifer (general security) access licences and shall be equal to:
  - (a) 51% of the available water determination made at the commencement of the water year for aquifer access licences in this water source; plus
  - (b) 49% of the available water determination for regulated river (general security) access licences in the Peel Regulated River Water Source.

**Note.** The available water determinations for aquifer (general security) access licences has been informed by hydrogeological modelling, showing that 49% the water extracted under an average annual pumping scenario originates from the Peel Regulated River.

- (2) After the available water determination under subclause (1) has been made, further available water determinations for aquifer (general security) access licences may be made whenever additional available water determinations for regulated river (general security) access licences in the Peel Regulated River Water Source are made.
- (3) Available water determinations made under subclause (2) shall be equal to 49% of the available water determination for regulated river (general security) access licences in the Peel Regulated River Water Source.

**Note.** Where the long-term average annual extraction limit has been exceeded, then the available water determination for aquifer (general security) access licences will be reduced in accordance with Division 1 of this Part.

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## **Part 8      Rules for granting access licences**

**Note.** This Part is made in accordance with sections 20, 61 and 63 of the Act. Access licences granted in these water sources will be subject to mandatory conditions and discretionary conditions.

### **54    Specific purpose access licences**

- (1) A specific purpose access licence shall not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (2) Applications for specific purpose access licences, other than those permitted under the *Water Management (General) Regulation 2004* (hereafter ***the Regulation***), may not be made in these water sources.
- (3) An access licence of the subcategory (“Aboriginal cultural”) shall not be granted in these water sources unless the share component of the proposed access licence is less than or equal to 10 ML/year.

## **Part 9 Rules for managing access licences**

### **Division 1 Water allocation account management rules**

#### **55 General**

The rules in this Division apply to all access licences in these water sources.

**Note.** The Act provides for the keeping of water allocation accounts. This Division imposes further limitations on the volume of water that may be taken under the access licences to which this clause applies. It does not authorise the take of more water than is credited to the respective water allocation accounts for those access licences. It is an offence to take water when there is no, or insufficient water allocations credited to a water allocation account for an access licence.

#### **56 Individual access licence account management rules for the Peel Unregulated River Water Sources**

- (1) In the first three years of this Plan, the maximum volume that may be taken under a domestic and stock access licence, a local water utility access licence and an unregulated river access licence in the Peel Unregulated Rivers Water Source, may not exceed a volume equal to:
    - (a) 3 times the access licence share component (for access licences with share components expressed as megalitres per year) or 3 megalitres per unit of access licence share component (for access licences with share components expressed as a number of unit shares); plus
    - (b) any water allocations assigned from another access licence under section 71T of the Act, in those years; plus
    - (c) any water allocations re-credited in accordance with section 76 of the Act, in those years; minus
    - (d) any water allocations assigned to another access licence under section 71T of the Act, in those years.
  - (2) In any three consecutive water years after the first year of this Plan, the maximum volume that may be taken under a domestic and stock access licence, a local water utility access licence and an unregulated river access licence in the Peel Unregulated
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Rivers Water Source, may not exceed a volume equal to:

- (a) the sum of water allocations accrued under the access licence from available water determinations in those years, plus
  - (b) any water allocations assigned from another access licence under section 71T of the Act, in those years, plus
  - (c) any water allocations re-credited in accordance with section 76 of the Act, in those years, minus
  - (d) any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (3) The maximum water allocation that can be carried over in a water allocation account of a domestic and stock licence, a local water utility access licence or an unregulated river access licence in the Peel Unregulated Rivers Water Sources, from one year to the next will be equal to:
- (a) 100% of the access licence share component, for an access licence with share components expressed as ML/year, or
  - (b) 1 ML per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.

**57 Individual access licence account management rules for the Peel Regulated River Water Source**

- (1) In any water year, the maximum volume that may be taken under a regulated river (general security) access licence in the Peel Regulated River Water Source may not exceed a volume equal to:
- (a) the sum of water allocations accrued under the access licence from available water determinations in that year, plus
  - (b) the amount of water that may be taken under clause 62; plus
  - (c) any water allocations assigned from another access licence under section 71T of the Act, in that year; plus
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- (d) any water allocations recredited in accordance with section 76 of the Act, in that year; minus
  - (e) any water allocations assigned to another access licence under section 71T of the Act, in that year.
- (2) Water allocations remaining in a water allocation account of an access licences in the Peel Regulated River Water Source cannot be carried over from one water year to the next.

**58 Individual access licence account management rules for the Peel Alluvium and Peel Fractured Rock Water Sources**

- (1) In the first three years of this Plan, the maximum volume that may be taken under an aquifer access licence in the Peel Alluvium Water Source, may not exceed a volume equal to:
- (a) 3 times the access licence share component (for access licences with share components expressed as megalitres per year) or 3 megalitres per unit of access licence share component (for access licences with share components expressed as a number of unit shares); plus
  - (b) any water allocations assigned from another access licence under section 71T of the Act, in those years; plus
  - (c) any water allocations re-credited in accordance with section 76 of the Act, in those years; minus
  - (d) any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (2) In any three consecutive water years after the first year of this Plan, the maximum volume that may be taken under an aquifer access licence in the Peel Alluvium Water Source, may not exceed a volume equal to:
- (a) the sum of water allocations accrued under the access licence from available water determinations in those years, plus

- (b) any water allocations assigned from another access licence under section 71T of the Act, in those years, plus
  - (c) any water allocations re-credited in accordance with section 76 of the Act, in those years, minus
  - (d) any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (3) The maximum water allocation that can be carried over in a water allocation account of an aquifer access licence in the Peel Alluvium Water Source, from one year to the next will be equal to:
- (a) 100% of the access licence share component, for an access licence with share components expressed as ML/year; or
  - (b) 1 ML per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (4) Water allocations remaining in a water allocation account of an access licence of the category domestic and stock, local water utility and aquifer (general security) in the Peel Alluvium Water Source and all access licences in the Peel Fractured Rock Water Source cannot be carried over from one water year to the next.

## **Division 2 Rules for access licences in the Peel Regulated River Water Source**

### **59 General**

In addition to the rules contained in Division 1, the rules in this Division apply to access licences with a share component that specifies the Peel Regulated River Water Source.

### **60 General priority of extractions**

Where the extraction component of an access licence in the Peel Regulated River Water Source does not specify a rate of extraction as a share of supply capability or a volume per unit time, the following priority of extraction shall apply whenever supply

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capability is insufficient to satisfy all orders for water in any section of these water sources:

- (a) water shall be supplied 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; and
- (b) then any remaining supply capability shall 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.

**Note.** During periods of channel capacity constraint, the implementation of the above provisions may result in short term ordering delays.

#### **61 Numerical specification of extraction components**

- (1) The extraction components of access licences in the Peel Regulated River Water Source may be amended under section 68A of the Act to specify a volume per unit of time or share of supply capability in order to share the impacts of any future physical supply constraint amongst access licences.
- (2) The rate or shares specified in the amended extraction components of domestic and stock, local water utility and regulated river (high security) access licences under subclause (1) should where possible be the amount which in the opinion of the Minister is sufficient to satisfy the maximum daily water requirements.
- (3) The rate or shares specified in the amended extraction components of regulated river (general security) access licences under subclause (1) should be in proportion to the share component of each access licence.

#### **62 Taking of uncontrolled flows, stimulus flow and ECA releases under regulated river (general security) access licences**

- (1) An order under section 85A of the Act may only be made for a regulated river (general security) access licence nominating metered water supply works and must be made in accordance with the provisions of this clause.
  - (2) An order under section 85A of the Act and subclause (1) may authorise the taking of water from uncontrolled flows that arise from:
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- (a) unregulated inflows to the water source; or
- (b) stimulus flow or ECA that has been released from Chaffey Dam;

and that have not been credited to a regulated river (general security) access licence water allocation account in the Peel Regulated River Water Source.

- (3) The following rules apply to the taking of uncontrolled flows that arise from unregulated inflows to the water source under subclause (2) paragraph (a):

- (a) announcements may be made by the NSW Office of Water for the following sections of the water source only:

- (i) Chaffey Dam to Paradise Weir;
- (ii) Paradise Weir to Attunga Creek; and
- (iii) Attunga Creek to the Namoi River;

- (b) when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is less than 0.35 ML per unit of share component in the water year, then the taking of water from uncontrolled flows shall:

- (i) only be permitted to commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than 40 ML/day; and
- (ii) cease within each section of the water source specified in subclause (3) paragraph (a) when the uncontrolled flow in the Peel River at any river gauging station within the respective section falls below 5 ML/day; and

- (c) when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is equal to or greater than 0.35 ML per unit of share component in the water year, then the taking of water from uncontrolled flows shall:

- (i) only be permitted to commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than 50 ML/day;
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- (ii) cease when the uncontrolled flow in the Peel River at Carroll Gap is less than 50 ML/day;
- (4) The following rules apply to the taking of uncontrolled flows that arise from stimulus flow or ECA that has been released from Chaffey Dam under subclause (2) paragraph (b):
  - (a) announcements may be made by the NSW Office of Water for the following sections of the water source only:
    - (i) Chaffey Dam to Piallamore gauging station; and
    - (ii) downstream of Piallamore gauging station to the Namoi River;
  - (b) the taking of water from uncontrolled flows that arise from stimulus flow or ECA between Chaffey Dam and Piallamore gauging station shall:
    - (i) only be permitted to commence when the stimulus flow or ECA water is equal to or greater than 50 ML/day at Piallamore gauging station, provided the water taken is used to directly irrigate crops and is not pumped into an on-farm storage; and
    - (ii) cease when the stimulus flow or ECA water is less than 50 ML/day at Piallamore gauging station.
  - (c) when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is less than 0.35 ML per unit of share component in the water year, then the taking of water from uncontrolled flows under a regulated river (general security) access licence downstream of Piallamore gauging station shall:
    - (i) only be permitted to commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than a forecast flow rate of 40 ML/day; and
    - (ii) cease within each section of the water source specified in subclause (4) paragraph (a) when the uncontrolled flow in the Peel River at any river

gauging station within the respective section falls below 5 ML/day; and

- (d) when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is equal to or greater than 0.35 ML per unit of share component in the water year, then the taking of water from uncontrolled flows under a regulated river (general security) access licence downstream of Piallamore gauging station shall:
  - (i) only be permitted to commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than a forecast flow rate of 50 ML/day; and
  - (ii) cease when the uncontrolled flow in the Peel River at Carroll Gap is less than 50 ML/day;
- (5) In any uncontrolled flow event that arises from unregulated inflows to the water source under subclause (2) paragraph (a), total extraction of uncontrolled flow under subclause (3) in each section of the water source specified in subclause (3) paragraph (a) under regulated river (general security) access licences is not permitted to exceed an amount that is equal to 50% of the forecast uncontrolled flow volume above:
  - (i) 5 ML/day of uncontrolled flow as measured at the most downstream gauge for each section of the water source specified in subclause (3) paragraph (a), when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is less than 0.35 ML per unit of share component in the water year; or
  - (ii) 50 ML/day of uncontrolled flow as measured at Carroll Gap, when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is equal to or greater than 0.35 ML per unit of share component in the water year.
- (6) In any water year, the total amount of uncontrolled flow that may be taken under each regulated river (general security) access licence is limited to an amount that is equal to the difference between:
  - (a) the sum of available water determinations for that water year for regulated river

(general security) access licences; and

- (b) the maximum sum of available water determinations that can be made for regulated river (general security) access licences under Division 2 of Part 7 of this Plan.
- (7) The amount of uncontrolled flow taken under each regulated river (general security) access licence shall be recorded in the water allocation account of the regulated river (general security) access licence.
- (8) Regulated river (general security) access licence holders must supply State Water with meter readings taken immediately prior to and after the taking of uncontrolled flow within 7 days of ceasing to take uncontrolled flow.
- (9) If the total amount of uncontrolled flow extracted under a regulated river (general security) access licence exceeds the limits specified in subclause (6) then a volume equivalent to the exceedence shall be debited from allocations credited to the access licence water allocation account in that water year.

**Note.** It is possible for the limits specified in subclause (6) to be exceeded if available water determinations increase after uncontrolled flows have been extracted.

**Note.** Part 13 of this Plan allows for clause 62 to be amended.

### **Division 3 Rules for access licences in the Peel Unregulated River Water Sources**

#### **63 General**

In addition to the rules contained in Division 1 of this Part, the rules in this Division apply to access licences with a share component that specifies a water source in the Peel Unregulated River Water Sources.

#### **64 Flow classes**

- (1) This Plan establishes the flow classes specified in Column 4 of Table B as the basis for the sharing of flows on a daily basis in the Peel Unregulated River Water Sources.
- (2) The flow classes in Column 4 of Table B, and the reference points specified in

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Column 7 of Table B, are established for each water source specified in Column 1 and each management zone specified in Column 2 of Table B.

- (3) The flow classes commence on the date specified in Column 3 of Table B.
- (4) A flow class applies in the respective water source or management zone, on the day specified in Column 5 of Table B, when the flow (ML/day) or river height (metres) as measured at the reference point specified in Column 7 of Table B is equal to the flow or river height specified in Column 6 of Table B.

**Note.** The flow classes, reference points, the water sources or management zones to which a flow class applies, or any other matter listed in Table B may be amended as provided for in Part 13 of this Plan.

**Note.** Only those water sources for which flow classes have been established at the commencement of this Plan are shown in Table B.

**Table B – Flow Classes**

Column 1 Water Source	Column 2 Management Zone	Column 3 Commencement	Column 4 Flow class	Column 5 Day on which flow class applies	Column 6 Flow (ML/day) or river height (m)	Column 7 Reference point
Chaffey Water Source	Peel River Management zone	Year 1 of this Plan	<b>Very Low Flow Class</b>	Same day.	2 ML/day or less.	Peel River at Taroona gauge
		Year 1 of this Plan	<b>A Class</b>	Same day.	More than 2 ML/day	
Goonoo Goonoo Creek Water Source	Downstream Boiling Down Creek Management Zone	Year 1 of this Plan	<b>Very Low Flow Class</b>	Same day.	No visible flow at upstream of Calala Lane Road Bridge or zero flow at Timbumburi gauge	Goonoo Goonoo Creek upstream of Calala Lane Road Bridge Lot 1821 DP 1122162, Parish Calala, County Parry  Goonoo Goonoo Creek at Timbumburi gauge
		Year 1 of this Plan	<b>A Class</b>	Same day.	Visible flow at upstream of Calala Lane Road Bridge and flow at Timbumburi gauge	
Upper Peel River Tributaries Water Source	Dungowan Creek Management Zone – those licences nominating works upstream of Thortons Road	Year 1 of this Plan	<b>Very Low Flow Class</b>	Same Day	No visible flow	Dungowan Creek at Thortons Road Bridge Lot 221 DP 1122162, Parish Woolomin, County
		Year 1 of this Plan	<b>A Class</b>	Same Day	Visible flow	

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	Bridge	Year 1 of this Plan	<b>A Class</b>	Same Day	Visible flow	Parry
	Dungowan Creek Management Zone – those licences nominating works downstream of Thortons Road Bridge	Year 1 of this Plan	<b>Very Low Flow Class</b>	Same Day	No visible flow	
		Year 1 of this Plan	<b>A Class</b>	Same Day	Visible flow	
Lower Peel River Tributaries Water Source	Moore Creek Management Zone – those licences nominating works upstream of Slippery Rock	Year 1 of this Plan	<b>Very Low Flow Class</b>	Same day.	No visible flow at either flow reference point or a visible flow at both reference points without constant visible flow at Slippery Rock over the preceding 24 hours	Moore Creek at the road crossing (the Scout Camp) located within Lot 146 DP753843 Parish Perry, County Inglis
		Year 1 of this Plan	<b>A Class</b>	Same day.	Visible flow at both flow reference points with a constant visible flow at Slippery Rock over the preceding 24 hours	Moore Creek at Slippery Rock located at Daruka Recreation Lot 36 DP851460 Parish Moonbi, County Inglis
	Moore Creek Management Zone – those licences nominating works downstream of Slippery Rock	Year 1 of this Plan	<b>Very Low Flow Class</b>	Same day.	No visible flow	Moore Creek at Slippery Rock located at Daruka Recreation Reserve Lot 36 DP851460
		Year 1 of this Plan	<b>A Class</b>	Same day.	Visible flow	
Cockburn River Water Source	Cockburn River Management Zone	Year 1 of this Plan	<b>Very Low Flow Class</b>	Same day.	0.25 m or less at Kootingal gauge or no visible flow at the rock bar	Cockburn River at Kootingal gauge
		Year 1 of this Plan	<b>A Class</b>	Same day.	Greater than 0.25 m at Kootingal gauge and visible flow at the rock bar	The rock bar 700 m upstream of the Cockburn River confluence with the Peel River within Lot 2 DP 204705 Parish of Tamworth,

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**Note.** Zero flow at Goonoo Goonoo Creek at Timbumburi gauge corresponds to a gauge height of 0.55 m at the commencement of this Plan

**Note.** 2 ML/day at the Peel River at Taroona gauge corresponds to the estimated 95<sup>th</sup> percentile of all days at the commencement of this Plan.

**Note.** 0.25 m at the Cockburn River at Kootingal gauge corresponds to the estimated 84<sup>th</sup> percentile of all days and a flow of 2.6 ML/day at the commencement of this Plan.

## 65 Access rules

- (1) Subject to subclause (2), water must not be taken under an access licence with a share component that specifies a water source or management zone with a Very Low Flow Class that has commenced, when flows are in the Very Low Flow Class.
- (2) Subclause (1) does not apply to the following:
  - (a) the taking of water under an access licence to which clause 1 of Schedule 2 applies, for a purpose listed below, provided that water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified on the access licence in accordance with subclause (3):
    - (i) fruit washing;
    - (ii) cleaning of dairy plant and equipment for the purpose of hygiene;
    - (iii) poultry watering and misting; or
    - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
  - (b) the taking of water for domestic consumption under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence, for the first 3 years of this Plan;
  - (c) the taking of water using a run-off harvesting dam or from an in-river dam pool;
  - (d) the taking of water from a lagoon or lake; and

- (e) the taking of water under a local water utility access licence to which clause 2 of Schedule 2 applies, until such time as the Minister is satisfied that major augmentation of the access licence holder's water supply system has occurred.
- (3) The Minister may, in relation to an access licence to which subclause (2) paragraph (a) applies, amend the licence to reduce the maximum daily volume limit, if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose for the licence as referred to in subclause (2) paragraph (a).
- (4) Notwithstanding subclauses (1) and (2), an access licence must not be used to take water if there is no visible flow in the water source at the location at which water is proposed to be taken, except for those access licences nominating water supply works:
  - (a) in the Downstream Boiling Down Creek Management Zone in the Goonoo Goonoo Water Source;
  - (b) in the Cockburn River Management Zone in the Cockburn River Water Source;
  - (c) upstream of Slippery Rock in the Moore Creek Management Zone in the Lower Peel River Tributaries Water Source;
  - (d) taking water from an in-river dam pool; and
  - (e) taking water from a lagoon or lake.

**Note.** Part 13 of this Plan allows for amendments to be made to clause 65.

## 66 Total daily extraction limits

At the commencement this Plan, total daily extraction limits (hereafter *TDELS*) are not established for any access licences in the Peel Unregulated River Water Sources.

**Note.** TDELS are an assessment tool only and will be used by the Department to determine which access licences (if any) may require individual daily extraction limits. They do not require any action to be taken by the licence holder.

**Note.** Part 13 of this Plan allows for amendments to be made to clause 66.

## 67 Individual daily extraction limits

- (1) At the commencement of this Plan, there are no individual daily extraction limits
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(hereafter *IDELs*) established for access licences in the Peel Unregulated River Water Sources.

- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 66 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

**Note.** Part 13 of this Plan allows for amendments to be made to clause 67.

## **Division 4 Rules for access licences in the Peel Alluvium Water Source**

### **68 General**

In addition to the rules contained in Division 1 of this Part, the rules in this Division apply to access licences with a share component that specifies the Peel Alluvium Water Source.

### **69 Works in the Peel Alluvium Water Source**

- (1) The following rules apply to an access licence that nominates a water supply work that may be used to take water from the Cockburn River Alluvium Management Zone and the Goonoo Goonoo Creek Alluvium Management Zone:
- (a) for the first four years of this Plan, a domestic and stock access licence or an aquifer access licence which arises from an access licence dealing under Part 11 of this Plan or granted in accordance with Part 8 of this Plan:
    - (i) in the Cockburn River Alluvium Management Zone, must not take water after the flow level of the Cockburn River at Kootingal gauge has been equal to or lower than 0.25 metres for 28 consecutive days; and
    - (ii) in the Goonoo Goonoo Creek Alluvium Management Zone, must not take water after there has been no visible flow in Goonoo Goonoo Creek at Timbumburi gauge for 14 consecutive days;
  - (b) subject to paragraph (c), commencing in year 5 of this Plan, all domestic and

stock access licences and aquifer access licences shall be subject to the following rules:

- (i) in the Cockburn River Alluvium Management Zone, must not take water after the flow level of the Cockburn River at Kootingal gauge has been equal to or lower than 0.25 metres for 28 consecutive days; and
  - (ii) in the Goonoo Goonoo Creek Alluvium Management Zone, must not take water after there has been no visible flow in Goonoo Goonoo Creek at Timbumburi gauge for 14 consecutive days;
- (c) paragraph (b) do not apply to the taking of water under an access licence to which clause 1 of Schedule 6 applies, for a purpose listed below, provided that water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified on the access licence in accordance with paragraph (d):
- (i) fruit washing;
  - (ii) cleaning of dairy plant and equipment for the purpose of hygiene;
  - (iii) poultry watering and misting; or
  - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene;
- (d) the Minister may, in relation to an access licence to which paragraph (c) applies, amend the licence to reduce the maximum daily volume limit, if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose for the licence as referred to in paragraph (c);
- (e) subject to paragraph (f), a local water utility access licence shall be subject to the following rules:
- (i) in the Cockburn River Alluvium Management Zone, water must not be taken after the flow level of the Cockburn River at Kootingal gauge has been equal to or lower than 0.25 metres for 28 consecutive days; and
  - (ii) in the Goonoo Goonoo Creek Alluvium Management Zone, water must
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not be taken after there has been no visible flow in Goonoo Goonoo Creek at Timbumburi gauge for 14 consecutive days;

- (f) paragraph (e) does not apply to those local water utility access licences listed in clause 2 of Schedule 6 until such time as the Minister is satisfied that major augmentation of the access licence holder's water supply system has occurred and are removed from clause 2 of Schedule 6; and
- (g) access licences to which paragraphs (a), (b) and (e) apply are not subject to access rules that refer to a visible flow in the water source at the location at which water is proposed to be taken.

## **Part 10 Rules for water supply work approvals**

**Note.** This Part is made in accordance with sections 5, 21 and 95 of the Act.

### **Division 1 Rules applying to water supply works in the Peel Unregulated River Water Sources**

#### **70 General**

The rules in this Division apply to water supply work approvals for water supply works located in the Peel Unregulated River Water Sources.

#### **71 Granting or amending water supply work approvals**

- (1) Applications for in-river dams on third order or higher streams within these water sources, may be considered, consistent with the principles of the Act.

**Note.** “Stream order” and “in-river dam” are defined in the Dictionary.

#### **72 Rules for the use of a water supply work to take water**

- (1) A water supply work must not be used to take water from an in-river dam pool unless the dam is passing such inflows as specified on the water supply work approval for the in-river dam.
- (2) The inflows specified on the water supply work approval for the in-river dam referred to in subclause (1) are the inflows specified on the former *Water Act 1912* entitlement that the approval replaces or such other amount determined by the Minister.

## **Division 2 Rules applying to water supply works in the Peel Alluvium and Peel Fractured Rock Water Sources**

### **73 General**

The rules in this Division apply to water supply work approvals for water supply works located in the Peel Alluvium Water Source or in the Peel Fractured Rock Water Source.

### **74 Rules for amending water supply work approvals for replacement groundwater works**

- (1) A water supply work approval may be amended to alter the work to which the approval relates if the Minister is satisfied that the amendment of the work approval is for a replacement groundwater work.
- (2) For the purposes of this Plan, “**replacement groundwater work**” means a water supply work that is replacing an existing water supply work constructed and used for the purpose of taking water from an aquifer where:
  - (a) the existing water supply work is the subject of a water supply work approval under the Act, and
  - (b) the replacement groundwater work is to be constructed:
    - (i) to extract water from the same water source as the existing water supply work; or
    - (ii) to extract water from a water source which underlies the water source from which the existing water supply work extracts water and the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems;

and must be constructed to a depth specified by the Minister to ensure that there will no more than minimal impact on a water source or existing extractions; and

- (c) the replacement groundwater work is to be located within:
    - (i) 20 metres of the existing water supply work; or
    - (ii) a distance greater than 20 metres of the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems; and
  - (d) if the existing water supply work is located within 40 metres of the high bank of a river, the replacement groundwater work is to be located within:
    - (i) 20 metres of the existing water supply work but no closer to the high bank of the river, or
    - (ii) a distance greater than 20 metres of the existing water supply work, but no closer to the high bank of the river, if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems; and
  - (e) the replacement groundwater work shall not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be no greater than 110 percent of the internal diameter of the existing water supply work it replaces, and
  - (f) for the purposes of paragraph (e), “internal diameter” means the diameter of the inside of the casing of the water supply work which is a water bore and “excavation footprint” means the authorised dimensions of a water supply work which is an unlined excavation constructed for the purposes of water supply only.
- (3) For the purposes of subclause (2) paragraph (b) (ii), the Minister may require the applicant to submit a hydrological study, assessed as adequate by the Minister, to demonstrate that the construction of the work so as to extract water
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from a water source which underlies the water source from which the existing water supply work extracts water will result in no greater impact on a water source or its dependent ecosystems.

- (4) For the purposes of subclause (2) paragraph (c) (ii) or (2) paragraph (d) (ii), the Minister may require the applicant to submit a hydrological study, assessed as adequate by the Minister, to demonstrate that the location of the work at a greater distance than 20 metres from the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.

**Note.** The operation of section 107 (3) of the Act may further restrict the replacement of an existing water supply work.

## **75 Rules to minimise interference between water supply works in the Peel Alluvium Water Source**

- (1) A water supply work approval shall not be granted or amended to authorise a water supply work to take water from the Peel Alluvium Water Source, which, in the Minister's opinion, is located within:
- (a) 200 metres of a water supply work authorised to take water from the water source that is nominated by another access licence on another landholding;
  - (b) 200 metres of a water supply work authorised to take water from the water source pursuant to basic landholder rights on another landholding;
  - (c) 100 metres from the boundary of the land on which the work is located, unless the landholder of the land adjoining the boundary has provided consent in writing;
  - (d) 500 metres of a water supply work authorised to take water from the water source by a local water utility or a major utility; or
  - (e) 100 metres of a NSW Office of Water observation or monitoring bore, unless the NSW Office of Water has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
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- (a) the water supply work is solely for basic landholder rights;
  - (b) the water supply work is a replacement groundwater work;
  - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works;
  - (d) that the location of the water supply work would result in no more than minimal impact on existing extractions within these water sources; or
  - (e) that a hydrogeological study, submitted by the applicant and assessed as adequate by the Minister, demonstrates that the location of the work at a lesser distance will have no more than minimal impact on existing extraction from the water source.
- (3) An approval granted or amended under subclause (2) paragraph (e) shall be subject to a requirement that the approval holder will undertake all actions required by the Minister should more than minimal impact on existing water levels or extraction from water supply works within the distances specified in subclause (1) occur in the future.

## **76 Rules to minimise interference between water supply works in the Peel Fractured Rock Water Source**

- (1) A water supply work approval shall not be granted or amended to authorise a water supply work to take water from the Peel Fractured Rock Water Source which, in the Minister's opinion, is located within:
- (a) 400 metres of a water supply work authorised to take water from the water source nominated by another access licence on another landholding;
  - (b) 200 metres of a water supply work entitled to take water from the water source pursuant to basic landholder rights on another landholding;
  - (c) 100 metres from the boundary of the land on which the work is located, unless the landholder of the land adjoining the boundary has provided consent in writing;
  - (d) 500 metres of a water supply work authorised to take water from the water
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- source by a local water utility or a major utility; or
- (e) 400 metres of a NSW Office of Water observation or monitoring bore, unless the NSW Office of Water has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied:
- (a) the water supply work is solely for basic landholder rights;
  - (b) the water supply work is a replacement groundwater work;
  - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works;
  - (d) that the location of the water supply work would result in no more than minimal impact on existing extractions within these water sources; or
  - (e) that a hydrogeological study, submitted by the applicant and assessed as adequate by the Minister, demonstrates that the location of the work at a lesser distance will have no more than minimal impact on existing extraction from the water source.
- (3) An approval granted or amended under subclause (2) paragraph (e) shall be subject to a requirement that the approval holder will undertake all actions required by the Minister should more than minimal impact on existing water levels or extraction from water supply works within the distances specified in subclause (1) occur in the future.

## **77 Rules for water supply works located near contamination sources**

- (1) A water supply work approval shall not be granted or amended to authorise a water supply work to take water from the Peel Alluvium Water Source or the Peel Fractured Rock Water Source which, in the Minister's opinion, is located within:
- (a) 100 metres of a contamination source listed in Schedule 3;
  - (b) between 100 metres and 500 metres of a contamination source listed in Schedule 3, unless the Minister is satisfied that no draw down of water will

occur within 100 metres of the contamination source; or

- (c) a distance greater than 500 metres if determined by the Minister to be necessary to protect the water source, the environment or public health or safety.
- (2) The distance restrictions specified in subclause (1) do not apply to the granting or amendment of a water supply work approval if the Minister is satisfied:
- (a) that the distance is adequate to protect the water source, and its dependent ecosystems, and public health and safety; or
  - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.

**78 Rules for water supply works located near sensitive environmental areas in the Peel Alluvium Water Source**

- (1) A water supply work approval shall not be granted or amended to authorise a water supply work to take water from the Peel Alluvium Water Source which, in the Minister's opinion, is located within:
- (a) 100 metres of a high priority groundwater dependent ecosystem listed in Schedule 4 in the case of a water supply work used solely to take water pursuant to basic landholder rights; or
  - (b) 200 metres of a high priority groundwater dependent ecosystem listed in Schedule 4 for water supply works not used solely to take water pursuant to basic landholder rights; or
  - (c) a distance greater than 200 metres, excluding water supply works used solely to take water pursuant to basic landholder rights, if the Minister is satisfied that the water supply work is likely to cause drawdown at the perimeter of any groundwater dependent ecosystem listed in Schedule 4; or
  - (d) 40 metres of the top of the high bank of a river.
- (2) The distance restrictions specified in subclause (1) paragraphs (a), (b) and (c) do not apply to the granting or amendment of a water supply work approval if the Minister is
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satisfied no drawdown of water will occur at the perimeter of any groundwater dependent ecosystem listed in Schedule 4;

- (3) The distance restrictions specified in subclause (1) do not apply to the granting or amendment of a water supply work approval if the Minister is satisfied:
- (a) the water supply work is for the purpose of monitoring, environmental management or remedial works; or
  - (b) the water supply work replaces an existing water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply; or
  - (c) the water supply work is a replacement groundwater work; or
  - (d) that the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater dependent ecosystems.

#### **79 Rules for water supply works located near sensitive environmental areas in the Peel Fractured Rock Water Source**

- (1) A water supply work approval shall not be granted or amended to authorise a water supply work to take water from the Peel Fractured Rock Water Source which, in the Minister's opinion, is located within:
- (a) 100 metres of a high priority groundwater dependent ecosystem listed in clause 1 of Schedule 4 in the case of a water supply work used solely to take water pursuant to basic landholder rights; or
  - (b) 200 metres of a high priority groundwater dependent ecosystem listed in clause 1 of Schedule 4 for water supply works not used solely to take water pursuant to basic landholder rights; or
  - (c) 500 metres of any high priority karst environment groundwater dependent ecosystem listed in clause 2 of Schedule 4 for water supply works not used solely to take water pursuant to basic landholder rights; or

- (d) a distance greater than 200 metres of a high priority groundwater dependent ecosystem listed in clause 1 of Schedule 4, excluding water supply works used solely for basic landholder rights, if the Minister is satisfied that the water supply work is likely to cause drawdown at the perimeter of any groundwater dependent ecosystem listed in clause 1 of Schedule 4; or
- (e) a distance greater than 500 metres of any high priority karst environment groundwater dependent ecosystem listed in clause 2 of Schedule 4, excluding water supply works used solely for basic landholder rights, if the Minister is satisfied that the water supply work is likely to cause drawdown at the perimeter of any groundwater dependent ecosystem listed in clause 2 of Schedule 4; or
- (f) 40 metres of the top of the high bank of any 3<sup>rd</sup> order or higher river or stream;  
or
- (g) 40 metres of a 1<sup>st</sup> or 2<sup>nd</sup> order river or stream, unless the water supply work is drilled into the underlying parent material, and the slotted interval of the works are:
  - (i) more than 30 metres below the surface, or
  - (ii) less than 30 metres below the surface if the applicant can demonstrate to the satisfaction of the Minister that the bore will have no more than minimal impact on base flows in the stream; or
- (h) 100 metres from the edge of an escarpment, where the location of the water supply work is to be above the escarpment.

**Note.** An escarpment is defined in the dictionary in Schedule 1.

- (2) The distance restrictions specified in subclause (1) paragraphs (a), (b), (d) and (e) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that no drawdown of water will occur at the perimeter of any groundwater dependent ecosystem specified in clause 1 of Schedule 4.
  - (3) The distance restrictions specified in subclause (1) do not apply to the grant or approval of a water supply work approval if the Minister is satisfied:
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- (a) the water supply work is for the purpose of monitoring, environmental management or remedial works; or
- (b) the water supply work replaces an existing water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply; or
- (c) the water supply work is a replacement groundwater work; or
- (d) that the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater dependent ecosystems.

**80 Rules for water supply works located near groundwater dependent culturally significant sites**

- (1) A water supply work approval shall not be granted or amended to authorise a water supply work within the Peel Alluvium or Peel Fractured Rock Water Sources which, in the Minister's opinion, is located within:
  - (a) 100 metres of a groundwater dependent culturally significant site in the case of a water supply work used solely to take water pursuant to basic landholder rights; or
  - (b) 200 metres of a groundwater dependent culturally significant site in the case of a water supply work not used solely to take water pursuant to basic landholder rights.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied:
  - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works; or
  - (b) the water supply work replaces an existing water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply; or

- (c) a water supply work that is sealed off to the nearest impervious layer above the slotted interval of the work with an impermeable seal constructed between the casing and the bore hole as specified by the Minister;
- (d) the water supply work is a replacement groundwater work; or
- (e) that the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater dependent culturally significant sites.

**Note.** Culturally significant sites will be identified as a part of the assessment undertaken by the NSW Office of Water during the processing of an application for the granting or amending of a water supply work approval.

## 81 Rules for the use of water supply works located within restricted distances

- (1) The maximum amount of water that may be taken in any one water year using an existing water supply work that is located within the Peel Alluvium or Peel Fractured Rock Water Sources within 500 metres of a contamination source identified in Schedule 3 is the amount that is equal to the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan.

**Note.** The water quality from any bore can be affected by land use activities and inherent water quality in the aquifer. Water quality cannot be guaranteed and may be unsuitable for human consumption and other uses. The quality of water extracted should be tested before being used and appropriately treated. Such testing and treatment is the responsibility of the licence holder.

- (2) The maximum amount of water that may be taken in any one water year using an existing water supply work that is located within the Peel Alluvium or Peel Fractured Rock Water Sources within the distance restrictions specified in this Division is equal to the sum of share components of access licences nominating that water supply work at the commencement of this Plan.
  - (3) Where a water supply work being used to take water from the Peel Alluvium Water Source or the Peel Fractured Rock Water Source is subsequently covered by a distance restriction specified in this Division as a result of amendment to that Division then the maximum amount of water that may be taken in any one water year is equal to the sum of share components of access licences nominating that water supply work at the time of the amendment.
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**Note.** Part 13 of this Plan allows for amendments to be made to clause 83.

## **Part 11 Access licence dealing rules**

### **82 General**

The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.

**Note.**

(1) Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.

(2) Access licence dealing principles will 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.

**Note.** Part 13 of this Plan contains provisions which allow the Minister to amend this Plan to specify rules for extraction component dealings under section 71S of the Act.

### **83 Conversion of access licence to new category**

- (1) This clause relates to dealings under section 71O of the Act in these water sources.
- (2) Dealings under section 71O of the Act are prohibited in these water sources.

### **84 Assignment of rights dealings (within water sources)**

- (1) This clause relates to dealings under section 71Q of the Act in these water sources.
  - (2) Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights:
    - (a) from a regulated river (general security) access licence that nominates a water supply work located in the Peel Regulated River Water Source upstream of the Jewry Street Bridge over the Peel River to a regulated river (high security) access licence that nominates a water supply work located downstream of the Jewry Street Bridge over the Peel River;
    - (b) from an access licence with a share component that specifies the Peel River Management Zone in the Chaffey Water Source to an access licence with a share component that specifies the Chaffey Tributaries Management Zone in the Chaffey Water Source;
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- (c) from an access licence with a share component that specifies the Downstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source to an access licence with a share component that specifies the Upstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source;
  - (d) from an access licence with a share component that specifies the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source to an access licence with a share component that specifies the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source;
  - (e) from an access licence with a share component that specifies the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source to an access licence with a share component that specifies the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source;
  - (f) from an access licence with a share component that specifies the Lower Peel Tributaries Management Zone or an access licence nominating works in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source to an access licence with a share component that specifies the Moore Creek Management Zone in the Lower Peel River Tributaries Water Source;
  - (g) from an access licence with a share component that specifies the Moore Creek or Lower Peel Tributaries Management Zones in the Lower Peel River Tributaries Water Source to an access licence which nominates a water supply work in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source.
  - (h) from an access licence with a share component that specifies the Moore Creek Management Zone or an access licence nominating works in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source to an access licence with a share component that specifies the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source, if the share component of the proposed access licence, plus the total share component
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of all access licences with share components that specify the Lower Peel Tributaries Management Zone, exceeds the total share component of all access licences that existed in that management zone at the commencement of the Plan;

- (i) from an access licence with a share component that specifies the Cockburn River Management Zones in the Cockburn River Water Source to an access licence with a share component that specifies the Cockburn River Tributaries Management Zone in the Cockburn River Water Source; or
- (j) from an access licence with a share component that specifies a management zone in the Peel Alluvium Water Source to an access licence that specifies another management zone in the Peel Alluvium Water Source.

#### **85 Amendment of share component dealings (change of water source)**

- (1) This clause relates to dealings under section 71R of the Act in these water sources.
- (2) Dealings under section 71R of the Act are permitted for the Peel Regulated River Water Source, if the dealing involves the cancellation of an access licence with a share component that specifies the Peel Regulated River Water Source, subject to the new access licence having a share component that specifies the Lower Namoi Regulated River Water Source and which is equal to 0.4 times the share component of the access licence which specified the Peel Regulated River Water Source.
- (3) Dealings under subclause (2) are subject to the following rules:
  - (a) prior to Chaffey Dam being enlarged to 100,000 ML or greater, the sum of share components specifying the Peel Regulated River Water Source, that are subject to a dealing under section 71R of the Act, not exceeding 7,500 ML; or
  - (b) after Chaffey Dam has been enlarged to 100,000 ML or greater, the sum of share components specifying the Peel Regulated River Water Source, that are subject to a dealing under section 71R of the Act, not exceeding 15,000 ML.

**Note.** Rules for an inter-valley trading account, as set out in clause 32 of Part 6 of this Plan will come into effect when dealings under subclause (3) paragraph (b) exceed 7,500 ML.

- (4) Dealings under section 71R of the Act are prohibited in the Peel Unregulated River
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Water Sources, Peel Alluvium Water Source and the Peel Fractured Rock Water Source, if the dealing involves:

- (a) the grant of a new access licence with a share component that specifies:
    - (i) the Chaffey Water Source;
    - (ii) the Upstream Boiling Down Creek Management Zone in the Goonoo Goonoo Water Source;
    - (iii) the Downstream Boiling Down Creek Management Zone in the Goonoo Goonoo Water Source if the dealing would cause the sum of the share components of all access licences in that water source to exceed the sum of the share components of all access licences that existed in that water source at the date of commencement of this Plan;
    - (iv) the Upper Peel River Tributaries Water Source;
    - (v) the Moore Creek Management Zone in the Lower Peel River Tributaries Water Source;
    - (vi) the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source if the share component of the proposed access licence, plus the total share component of all access licences in that management zone, exceeds the total share component of all access licences that existed in that management zone at the commencement of the Plan;
    - (vii) the Cockburn River Water Source;
    - (viii) the Peel Alluvium Water Source; or
    - (ix) the Peel Fractured Rock Water Source;
  - (b) the grant of a new access licence that nominates a water supply work in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source;
  - (c) the cancellation of an access licence with a share component specifying the Peel
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Alluvium Water Source or the Peel Fractured Rock Water Source;

- (d) the cancellation of an access licence with a share component specifying a water source in the Namoi Unregulated Rivers EMU in order to grant an access licence with a share component specifying a water source in another extraction management unit; and
  - (e) the grant of an access licence with a share component specifying a water source in the Namoi Unregulated Rivers EMU as a result of the cancellation of an access licence with a share component specifying a water source in another extraction management unit.
- (5) The share component of a new access licence specifying a water source in the Namoi Unregulated Rivers EMU granted in accordance with subclause (4), shall be equal to:
- (a) the share component of the cancelled access licence where a conversion factor has not been established by the Minister under section 71Z of the Act, or
  - (b) the share component of the cancelled access licence multiplied by a conversion factor established by the Minister, and published in an order made under section 71Z of the Act.
- (6) The extraction component of a new access licence granted in accordance with a section 71R dealing shall not carry over the extraction component from the cancelled access licence.

## **86 Assignment of water allocations dealings**

- (1) This clause relates to dealings under section 71T of the Act in these water sources.
- (2) Dealings within a water source under section 71T of the Act are prohibited if the dealing involves an assignment of water allocation:
  - (a) from an access licence that nominates a water supply work located in the Peel Regulated River Water Source upstream of the Jewry Street Bridge over the Peel River to a regulated river (high security) access licence that nominates a water supply work located downstream of the Jewry Street Bridge over the Peel

River, when no available water determination has been made for regulated river (general security) access licences;

- (b) from an access licence with a share component that specifies a management zone in the Peel Alluvium Water Source to an access licence with a share component that specifies another management zone in the Peel Alluvium Water Source;
- (c) from an access licence in the Peel Unregulated River Water Sources:
  - (i) in the Peel River Management Zone to the Chaffey Tributaries Management Zone in the Chaffey Water Source;
  - (ii) in the Downstream Boiling Down Creek Management Zone to the Upstream Boiling Down Creek Management Zone, in the Goonoo Goonoo Creek Water Source;
  - (iii) in the Dungowan Creek Management Zone to the Duncans Creek and Other Tributaries Management Zone, in the Upper Peel River Tributaries Water Source;
  - (iv) in the Duncans Creek and Other Tributaries Management Zone to the Dungowan Creek Management Zone, in the Upper Peel River Tributaries Water Source;
  - (v) in the Lower Peel Tributaries Management Zone or from an access licence nominating a water supply work in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source to the Moore Creek Management Zone, in the Lower Peel River Tributaries Water Source;
  - (vi) in the Moore Creek Management Zone or the Lower Peel Tributaries Management Zone to an access licence nominating a water supply work in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source;
  - (vii) in the Moore Creek Management Zone or from an access licence nominating works in Wallamoore Anabranh in the Lower Peel

Tributaries Management Zone to the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source, if it would cause total allocations in water allocation accounts of all access licences with share components that specify the Lower Peel Tributaries Management Zone, to exceed the total share component of all access licences that existed in that management zone at the commencement of the Plan; or

(viii) in the Cockburn River Management Zone to the Cockburn River Tributaries Management Zone in the Cockburn River Water Source.

(3) Dealings between water sources under section 71T of the Act are prohibited if the dealing involves an assignment of water allocation:

- (a) from an access licence in the Peel Regulated River Water Source; or
  - (b) to an access licence with a share component that specifies:
    - (i) the Peel Regulated River Water Source;
    - (ii) the Chaffey Water Source;
    - (iii) the Downstream Boiling Down Creek Management Zone of the Goonoo Goonoo Creek Water Source;
    - (iv) the Upstream Boiling Down Creek Management Zone of the Goonoo Goonoo Creek Water Source and it would cause total water allocations to access licences in that management zone in that water year to exceed an amount that is equal to the total of access licence share components in that management zone at the commencement of this Plan;
    - (v) the Upper Peel River Tributaries Water Source;
    - (vi) the Moore Creek or access licences nominating works in Wallamoore Anabranche in the Lower Peel River Tributaries Water Source;
    - (vii) the Lower Peel Tributaries Management Zone of the Lower Peel River Tributaries Water Source and it would cause total water allocations to access licences in that management zone in that water year to exceed an
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amount that is equal to the total of access licence share components in that management zone at the commencement of this Plan;

- (viii) the Cockburn River Water Source;
- (ix) the Peel Alluvium Water Source; or
- (x) the Peel Fractured Rock Water Source.

### **87 Interstate access licence transfer and assignment of water allocation**

- (1) This clause relates to dealings under sections 71U or 71V of the Act in these water sources.
- (2) Dealings involving the interstate transfer of an access licence to or from these water sources are prohibited.
- (3) Dealings involving the interstate assignment of water allocations to or from these water sources are prohibited.

### **88 Nomination of water supply works dealings**

- (1) This clause relates to dealings under section 71W of the Act in these water sources.
- (2) Dealings under section 71W of the Act are prohibited if the dealing involves:
  - (a) a regulated river (high security) access licence which nominates a water supply work located in the Peel Regulated River Water Source upstream of the Jewry Street Bridge over the Peel River being amended to nominate a water supply work located downstream of the Jewry Street Bridge over the Peel River;
  - (b) a regulated river (high security) access licence which nominates a water supply work located in the Peel Regulated River Water Source downstream of the Jewry Street Bridge over the Peel River being amended to nominate a water supply work located downstream of the original water supply work;
  - (c) an access licence which nominates a water supply work located in the Peel River Management Zone of the Chaffey Water Source being amended to

nominate a water supply work located in the Chaffey Tributaries Management Zone of the Chaffey Water Source;

- (d) an access licence which nominates a water supply work located in the Downstream Boiling Down Creek Management Zone of the Goonoo Goonoo Creek Water Source being amended to nominate a water supply work located in the Upstream Boiling Down Creek Management Zone of the Goonoo Goonoo Creek Water Source;
  - (e) an access licence which nominates a water supply work located in the Dungowan Creek Management Zone of the Upper Peel Tributaries Water Source being amended to nominate a water supply work located in the Duncans Creek and Other Tributaries Management Zone of the Upper Peel Tributaries Water Source;
  - (f) an access licence which nominates a water supply work located in the Duncans Creek and Other Tributaries Management Zone of the Upper Peel Tributaries Water Source being amended to nominate a water supply work located in the Dungowan Creek Management Zone of the Upper Peel Tributaries Water Source;
  - (g) an access licence which nominates a water supply work located in Wallamoore Anabranh or the Lower Peel Tributaries Management Zone of the Lower Peel River Tributaries Water Source being amended to nominate a water supply work located in the Moore Creek Management Zone of the Lower Peel Tributaries Water Source;
  - (h) an access licence which nominates a water supply work located in the Moore Creek Management Zone or the Lower Peel Tributaries Management Zone of the Lower Peel River Tributaries Water Source being amended to nominate a water supply work located in Wallamoore Anabranh;
  - (i) an access licence which nominates a water supply work located in Wallamoore Anabranh or the Moore Creek Management Zone of the Lower Peel River Tributaries Water Source being amended to nominate a water supply work located in the Lower Peel Tributaries Management Zone of the Lower Peel
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River Tributaries Water Source if the share component of the proposed access licence, plus the total share component of all access licences nominating water supply works in the Lower Peel Tributaries Management Zone, exceeds the total share component of all access licences nominating water supply works that existed in that management zone at the commencement of the Plan;

- (j) an access licence which nominates a water supply work located in the Cockburn River Management Zone of the Cockburn River Tributaries Water Source being amended to nominate a water supply work located in the Cockburn River Tributaries Management Zone of the Cockburn River Water Source;
- (k) an access licence which nominates a water supply work located a management zone within the Peel Alluvium Water Source being amended to nominate a water supply work located in another management zone within the Peel Alluvium Water Source;

## Part 12 Mandatory conditions

**Note.** This Division is made in accordance with sections 17 (c), 20 and 66 of the Act.

### Division 1 Access licences

#### 89 General

- (1) All access licences in these water sources must have mandatory conditions to give effect to the following:
  - (a) the relevant water allocation account management rules specified in Division 1 of Part 9 of this Plan for the respective category or subcategory of access licence; and
  - (b) any other conditions required to implement the provisions of this Plan.
- (2) All access licences with a share component specifying the Peel Unregulated River Water Sources must have mandatory conditions to give effect to the access rules specified in clause 65 in the Peel Unregulated River Water Sources.
- (3) All access licences with a share component specifying the Peel Alluvium Water Source must have mandatory conditions to give effect to the access rules for water access licences specified in clause 69 for the Peel Alluvium Water Source.
- (4) All regulated river (general security) access licences must have a mandatory condition that specifies that water may only be taken from uncontrolled flows in accordance with announcements made pursuant to any order under section 85A of the Act.
- (5) All access licences of the subcategory “Aboriginal cultural” must have a mandatory condition that specifies that water must only be taken in the relevant water sources by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

## Division 2 Water supply work approvals

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

### 90 General

- (1) All water supply work approvals for water supply works in these water sources must have mandatory conditions to give effect to the following:
  - (a) all approval holders must keep records:
    - (i) of any water management infrastructure used in connection with the operation of the water supply work; and
    - (ii) of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped, and dates of planting and harvesting;
  - (b) where metering equipment has been installed for use in connection with a water supply work, the approval holder must keep records of the time, date and quantity of water taken through the water supply work;
  - (c) where metering equipment has not been installed for use in connection with a water supply work, the approval holder must keep records of all pumping activities for the water supply work including pump running hours, pump power usage and pump fuel usage;
  - (d) when required by the Minister by notice in writing, the approval holder must provide any records kept under paragraphs (a), (b) or (c) to the Minister within the time specified in the notice and to the standard specified in the notice;
  - (e) the records required to be kept under paragraphs (a), (b) or (c) must be kept for the duration of the approval;
  - (f) when required by the Minister by notice in writing, metering equipment must be installed and maintained for use in connection with the water supply work;
  - (g) if the Minister has specified in the notice issued under paragraph (f) that

metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with any type, standard or the other criteria specified by the Minister; and

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

- (h) any other conditions required to implement the provisions of this Plan.

## **91 Water supply work approvals in the Peel Alluvium and Peel Fractured Rock Water Sources**

(1) This clause applies to all water supply work approvals for water supply works located in the Peel Alluvium and the Peel Fractured Rock Water Sources.

(2) Water supply work approvals to which this clause applies must have mandatory conditions to give effect to the following:

(a) the rules for limiting the taking of water within the distance restrictions as specified in clause 81;

(b) the approval holder must ensure that the construction of the work:

(i) complies with the distance restrictions specified in Division 2 of Part 10 of this Plan;

**Note.** If the work has been exempted by the NSW Office of Water from one or more distance restriction specified in Division 2 of Part 10 of this Plan, then the approval holder must be able to demonstrate the basis for that exemption, for example if the exemption refers to a hydrogeological study which demonstrates that the location of the work will have no more than minimal impact to the satisfaction of the Minister, then evidence must be able to be provided to that effect.

(ii) complies with the construction standards prescribed for the relevant type of bore in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as may be amended from time to time, or any standards which supersede those standards; and

(iii) prevents contamination between aquifers through appropriate construction;

- (c) the approval holder must ensure that any work which has been replaced by a replacement groundwater work is decommissioned in compliance with the 'minimum requirements for decommissioning bores' prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as amended from time to time, or any standards which supersede those standards, except where the work is required by the Minister as a monitoring or observation bore;
- (d) the approval holder must ensure that any abandoned work water supply work is decommissioned in compliance with the 'minimum requirements for decommissioning bores' prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as amended from time to time, or any standards which supersede those standards; and
- (e) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister that the work has been decommissioned;
- (f) any new or replacement groundwater work to take water for basic landholder rights must be constructed to a sufficient depth to ensure that access to water will not be unacceptably impacted by other authorised extractions;
- (g) the approval holder must, within two months of completion of the construction of the water supply work, or within two months after the issue of the approval if the work is existing, submit to the NSW Office of Water the approved form with all relevant details including the name and licence number of the driller who constructed the bore, including the following:
  - (i) the details of geology and construction on the approved form;
  - (ii) details of the location of the work on a copy of the lot and deposited plan, its geographical reference accurate to  $\pm 5$  metres, and the respective distance(s) of the work from the property boundaries; and
  - (iii) if the Minister has requested any water analysis and/or pumping tests to be carried out, details of the water analysis and/or pumping tests required

by the Minister;

- (h) if, during the construction of the work, saline or contaminated water is encountered above the production aquifer, the approval holder must:
    - (i) notify the NSW Office of Water;
    - (ii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the saline or contaminated water from the work, and, if specified by the Minister, placing an impermeable seal between the casing(s) and the walls of the work from the bottom of the casing to ground level as specified by the Minister; and
    - (iii) if the Minister has specified any other requirements, comply with any requirements specified by the Minister;
  - (i) the approval holder must supply to the Minister on request, and to the required standard, a report detailing the quality of any water obtained from the work;
  - (j) construction of the work must not occur after three years from the approval being granted; and
  - (k) any other conditions required to implement the provisions of this Plan.
- (3) A water supply work approval granted under clauses 75 (2) paragraph (d) or 76 (2) paragraph (d), must have a mandatory condition to give effect to clauses 75 (3) or 76 (3) respectively.

## **Part 13    Amendment of this Plan**

### **92    General**

- (1) Amendments specified throughout this Plan, and in this Part, are amendments authorised by this Plan.
- (2) An amendment authorised by this Plan which results in a variation of the bulk access regime, is an amendment authorised by this Plan for the purposes of sections 87 (2)(c) and 87AA of the Act.

### **93    Part 1**

Part 1 may be amended to do any of the following:

- (a) apply this Plan to new or additional water sources or water management areas (including part thereof), or to modify (including to amend the boundaries thereof included in this Plan) or remove an existing water source or water management area (including part thereof);
- (b) add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of such a zone;
- (c) add, remove or modify an extraction management unit, including the water sources to which an extraction management unit applies; and
- (d) amend the Registered Map.

### **94    Part 9**

- (1) Division 1 and 2 of Part 9 of this Plan may be amended to do any of the following:
  - (a) to replace the individual access licence account management rules for access licences in the Peel Regulated River Water Source following any enlargement of Chaffey Dam; and
  - (b) if the total pump capacity of water supply works nominating regulated river

(general security) access licences authorising extraction between Chaffey Dam and Piallamore gauging station increases by 20% or more than that which occurred at the commencement of this Plan, then clause 62 subclause (3) paragraph (b) may be amended to increase the flow threshold of 50 ML/day to 100 ML/day.

- (2) Division 3 of Part 9 of this Plan may be amended to do any of the following:
- (a) the rock bar reference point for the Cockburn River Management Zone in the Cockburn River Water Source in Column 7 of Table B may be amended to specify a new gauge at the rock bar on the Cockburn River should such a gauge be installed;
  - (b) if an amendment is made under paragraph (a) the corresponding flow or river height in Column 6 in Table B should be amended to specify zero flow and flow at the new gauge for the Very Low Flow Class and A Class respectively;
  - (c) the reference point for those licences nominating works downstream of Thortons Road Bridge in Dungowan Creek Management Zone in Column 7 of Table B may be amended to also specify a site at the end of Dungowan Creek if flow monitoring equipment is installed to allow implementation;
  - (d) if an amendment is made under paragraph (c) occurs, the corresponding flow or river height in Column 6 in Table B should be amended to specify zero flow and flow at the new gauge for the Very Low Flow Class and A Class respectively;
  - (e) if an amendment is made under paragraph (c), clause 65 subclause (4) may be amended to exclude those water supply works downstream of Thortons Road Bridge in the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source from the visible flow requirement;
  - (f) the Slippery Rock reference point for the Moore Creek Management Zone of the Lower Peel River Tributaries Water Source in Column 7 of Table B may be amended to specify a new gauge at Slippery Rock should such a gauge be installed;
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- (g) if an amendment is made under paragraph (f) the corresponding flow or river height in Column 6 in Table B should be amended from no visible flow at Slippery Rock to specify no flow at the new gauge;
- (h) to amend the flow or river height specified in Column 6 of Table B for those works nominating upstream of Slippery Rock and/or downstream of Slippery Rock in the Moore Creek Management Zone;
- (i) add, remove or modify the flow reference point for these water sources or management zones other than those specified in paragraphs (a) to (i);
- (j) add, remove or modify the description of flows at the flow reference point for these water sources or management zones as a result of an amendment under subclause (i), other than those specified in paragraphs (a) to (i);
- (k) add, remove or modify the commencement date for a flow class;
- (l) add, remove or modify the water sources or management zones to which these flow classes apply, other than those specified in paragraphs (a) to (i);
- (m) to amend clause 65 to:
  - (i) specify alternate access rules for lagoons, lakes, in-river pools and other lentic water features; and/or
  - (ii) allow a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence with a share component that specifies a water source or management zone with a Very Low Flow Class to continue taking water for domestic consumption when flows are in the Very Low Flow Class after year three of this Plan;
- (n) to establish or assign new TDELs in these water sources, including to establish TDELs in a water source or management zone, following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes; and

- (o) to include rules for the establishment of IDELS if IDELS are to be imposed on licences under clause 67 subclause (2).
- (3) Division 4 of Part 9 may be amended to:
  - (i) include new rules so that access licences which nominate a water supply work located in the Dungowan Creek Alluvium must not take water after there has been no visible flow at the end of Dungowan Creek for 14 consecutive days following an amendment made under clause 94 subclause (2) paragraph (c); and
  - (ii) allow a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence with a share component that specifies a water source or management zone with a Very Low Flow Class to continue taking water for domestic consumption when flows are in the Very Low Flow Class.
- (4) Part 9 of this Plan may be amended to:
  - (a) include access rules for access licences specifying the Peel Fractured Rock Water Source; and
  - (b) include rules for the amendment of extraction components of access licences specifying the Peel Alluvium Water Source or the Peel Fractured Rock Water Source under section 68A of the Act.

## 95 Part 10

Part 10 may be amended to do any of the following:

- (a) add, remove or modify the distance restrictions;
- (b) after year four of the Plan, amend clauses 81 subclause (1) to 81 subclause (3) to impose further restrictions on the rate and timing of extraction of water from the respective water source to mitigate impacts; and
- (c) amend the definition of a replacement groundwater work in clause 74.

## 96 Part 11

Part 11 may be amended to specify rules for extraction component dealings under section 71S of the Act.

## 97 Part 12

Part 12 may be amended to do any of the following:

- (a) specify mandatory conditions to give effect to any access rules for water access licences if specified in Part 9 of this Plan as a result of an amendment under clause 94 subclause (4) paragraph (a) for the Peel Fractured Rock Water Source; and
- (b) amend clause 91 to specify different standards for decommissioning water supply works or construction requirements for water supply works.

## 98 Schedules

(1) Schedule 2 may be amended to do any of the following:

- (a) add a new access licence to clause 1 of Schedule 2, provided that a written request has been made to the Minister, and the Minister is satisfied that extraction under the licence is for a purpose covered in clause 65 subclause (2) and that purpose was specified on, or referred to in the conditions, of the former *Water Act 1912* entitlement that was replaced by the access licence;
- (b) add a local water utility access licence to clause 2 of Schedule 2, provided the Minister is satisfied that:
  - (i) access to flows in the Very Low Flow Class is required in order to meet reasonable urban or town water supply demands; and
  - (ii) the water supply system used to store or extract water has not undergone major augmentation since the commencement of this Plan;
- (c) to remove an access licence or entitlement from Schedule 2 if:

- (i) an access licence dealing results in the water being extracted under the licence being taken from a different location; or
  - (ii) an alternative water supply is obtained; or
  - (iii) the licence is surrendered or cancelled or its purpose ceases to exist.
- (2) Schedule 2 may be deleted if the Minister is satisfied that it is no longer required.
- (3) Schedule 3 may be amended to add or remove a contamination source.
- (4) Schedule 4 may be amended to:
  - (a) add or remove a sensitive environmental area; or
  - (b) add a new high priority groundwater dependent ecosystem after year 5 of this Plan, or to remove a high priority groundwater dependent ecosystem.
- (5) Schedule 5 may be amended to:
  - (i) add or remove an access licence; and/or
  - (ii) remove an access licence nominating a water supply work used to take water from groundwater is hydrogeologic investigations show that extractions under the access licence do not have an impact on extractions from the Peel Regulated River Water Source.
- (6) Schedule 6 may be amended to:
  - (a) add a new access licence to clause 1 of Schedule 6, provided that a written request has been made to the Minister, and the Minister is satisfied that extraction under the licence is for a purpose covered in clause 69 subclause (1) paragraph (c) and that purpose was specified on, or referred to in the conditions, of the former *Water Act 1912* entitlement that was replaced by the access licence;
  - (b) add a local water utility access licence to clause 2 of Schedule 6, provided the Minister is satisfied that the water supply system used to store or extract water

has not undergone major augmentation since the commencement of this Plan;

- (c) to remove an access licence or entitlement from clause 2 of Schedule 6 if the Minister is satisfied that the water supply system used to store or extract water has undergone major augmentation since the commencement of this Plan; or
- (d) to remove an access licence or entitlement from Schedule 6 if:
  - (i) an access licence dealing results in the water being extracted under the licence being taken from a different location; or
  - (ii) an alternative water supply is obtained; or
  - (iii) the licence is surrendered or cancelled or its purpose ceases to exist.
- (7) Schedule 6 may be deleted if the Minister is satisfied that it is no longer required.

## 99 Other

- (1) If the available water determination to be made at the commencement of a water year for aquifer access licences in the Peel Alluvium Water Source will be below 0.8 ML per unit share as result of the long-term average annual extraction limit being exceeded, then this Plan may be amended as follows:
  - (a) to permit the granting of a supplementary water access licence to the holder of an aquifer access licence, or a supplementary water (general security) access licence to the holder of an aquifer (general security) access licence, which arose from a *Water Act 1912* licence or group of licences listed in Column 1 of the table in Schedule 7 and which nominates the works or combined works and use approval that arose out of the same licence(s), subject to:
    - (i) the share component of the supplementary water access licence or the supplementary water (general security) access licence being equal to the number of unit shares specified in Column 2 of the table in Schedule 7, and
    - (ii) the supplementary water access licence or the supplementary water

(general security) access licence nominating the same works and use approvals as the aquifer access licence or the aquifer (general security) access licence respectively,

- (b) to include available water determination rules for supplementary water access licences which will be reduced each year but not go below 0.2 ML per unit share except for the last year of this Plan where the available water determination shall be equal to 0 ML per unit share,
  - (c) to include available water determination rules for supplementary water (general security) access licences which will be reduced each year but not go below 0.2 ML per unit share except for the last year of this Plan where the available water determination shall be equal to 0 ML per unit share;
  - (d) to allow for supplementary water access licences and supplementary water (general security) access licences to be cancelled pursuant to section 77A of the Act in the last year of this Plan;
  - (e) to change the available water determination rules in clause 52 for aquifer access licences in the Peel Alluvium such that the available water determination made at the commencement of each water year for those licences shall be for the amount that, after an available water determination is made for supplementary water access licences and supplementary water (general security) access licences, is necessary to return total average annual extractions in the water source to the long-term average annual extraction limit established in clause 39 subclause (4), provided that the sum of available water determinations for aquifer access licences and supplementary water access licences does not exceed 1 ML per unit share,
  - (f) to change the available water determination rules in clause 53 for aquifer (general security) access licences in the Peel Alluvium such that the available water determinations for those licences shall be for the amount that, after an available water determination is made for supplementary water and supplementary water (general security) access licences, is necessary to return total average annual extractions in the water source to the long-term average annual extraction limit established in clause 39 subclause (4), provided that the
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sum of available water determinations for aquifer (general security) access licences and supplementary water (general security) access licences does not exceed 1 ML per unit share,

- (g) any change made under paragraphs (f) will need to ensure that 49% of the available water determination for aquifer (general security) access licences is determined by the available water determinations made for regulated river (general security) access licences in the Peel Regulated River Water Source,
  - (h) to include a clause that changes the relative priorities of the categories of aquifer access licence and supplementary water access licence, and of aquifer (general security) access licences and supplementary water (general security) access licences to the extent necessary to make the available water determinations as amended under paragraphs (b), (c), (e) and (f),
  - (i) to include access licence dealing rules which prohibit dealings under section 71Q, 71S, 71T and 71W of the Act for supplementary water access licences and supplementary water (general security) access licences,
  - (j) to include a clause(s) that requires, where an aquifer access licence and a supplementary water access licence nominate the same water supply work, water is to be debited from the supplementary water access licence water allocation account before water is debited from the aquifer access licence water allocation account, and
  - (k) to include a clause(s) that requires, where an aquifer (general security) access licence and a supplementary water (general security) access licence nominate the same water supply work, water is to be debited from the supplementary water (general security) access licence water allocation account before water is debited from the aquifer (general security) access licence water allocation account.
- (2) This Plan may be amended to provide for floodplain harvesting.
- (3) 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
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do not affect the long-term average annual extraction limits specified in this Plan.

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

## Schedule 1 Dictionary

***alluvial sediments*** means unconsolidated fluvio-lacustrine sediments.

***drawdown*** means a lowering of the level to which water will rise in cased bores. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

***escarpment*** refers to steep to precipitous landform pattern forming a linearly extensive, straight or sinuous inclined surface, which separates terrains at different altitudes, that above the escarpment commonly being a plateau. Relief within the landform pattern may be high (hilly) or low (planar). The upper margin is often marked by an included cliff or scarp.

***fractured rock*** means sedimentary, igneous and metamorphic rocks with fractures, joints, bedding planes and cavities in the rock mass that are capable of transmitting water.

***groundwater dependent ecosystems*** include ecosystems which have their species composition and natural ecological processes wholly or partially determined by groundwater.

***in-river dam*** means a dam located in a river.

***in-river dam pool*** means the area of water immediately upstream of an in-river dam where the river has pooled as a result of an in-river dam.

***karst environment*** means an area of land, including subterranean land, that has developed in soluble rock through the processes of solution, abrasion or collapse, together with its associated bedrock, soil, water, gases and biodiversity.

***management zone*** is an area within a water source in which rules particular to that management zone will apply, for example daily extraction limits and restrictions on dealings.

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

***registered plan for these water sources*** has the same meaning as in clause 4 subclause (2) of this Plan.

***replacement groundwater work*** has the same meaning as in clause 74 subclause (2) of this Plan.

***runoff harvesting dam*** has the same meaning as defined in the *Access Licence Dealing Principles Order 2004*.

***slotted intervals*** means that part of the water bore where slots in the casing occur which are designed to allow water to enter the bore.

***stream order*** means the stream order defined by the Strahler stream ordering method.

**Note.** The Strahler stream ordering method is as described in the order made under section 5 of the *Water Act 1912* published in the NSW Government Gazette no 37 on 24 March 2006 page 1500, or as may be amended or updated from time to time by further order.

***total daily extraction limit (TDEL)*** is the volume of water that may be extracted under access licences from an unregulated river on a daily basis from a particular flow class.

***visible flow*** means the continuous downstream movement of water that is perceptible to the eye.

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***Water Act 1912 entitlement*** has the same meaning as an entitlement in clause 2 of Schedule 10 to the Act.

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

***water year*** means a year commencing 1 July.

***worst period of low inflows*** means the lowest historical inflows to the water source over a period of 24 consecutive months or as otherwise determined by the Minister.

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## Schedule 2 Access Licences in the Peel Unregulated River Water Sources with access to the Very Low Flow Class

### 1 General

This clause applies to the following:

<b><i>Water Act 1912</i> entitlements from which access licences arise on commencement of this Plan:</b>
90SL040426
90SL043074
90SL028794
90SL033145
90SL044228
<b>Access licences:</b>

### 2 Local water utility

This clause applies to the following:

<b><i>Water Act 1912</i> entitlements from which access licences arise on commencement of this Plan:</b>
90SL011230
<b>Access licences:</b>

### **Schedule 3 Contamination sources in these water sources**

Contamination sources in these water sources are the following:

- (a) on site sewage disposal systems or septic tanks;
- (b) any sites where contamination has been assessed as presenting a significant risk of harm under the *Contaminated Land Management Act 1997*;
- (c) any sites with a historical use that is listed in Table 1 of *Managing Land Contamination. Planning Guidelines. SEPP 55 – Remediation of Land*; and
- (d) any sites listed in an agency database relating to contamination sources.

## **Schedule 4 High priority groundwater dependent ecosystems**

### **1 High priority groundwater dependent ecosystems**

High priority groundwater dependent ecosystems in these water sources are as follows:

- (a) High priority groundwater dependant ecosystems in the Upper Peel Tributaries Water Source include:
  - (i) Black Spring.
- (b) High priority groundwater dependant ecosystems in the Lower Peel Tributaries Water Source include:
  - (i) Bundys Spring; and
  - (ii) Jacks Camp Spring.
- (c) High priority groundwater dependant ecosystems in the Cockburn Water Source include:
  - (i) Black Springs.

### **2 High priority karst environment groundwater dependent ecosystems**

High priority karst environment groundwater dependent ecosystems in these water sources are as follows:

- (a) High priority karst environmental groundwater dependant ecosystems in the Chaffey Water Source include:
  - (i) Crawney Pass.
- (b) High priority karst environmental groundwater dependant ecosystems in the Lower Peel Tributaries Water Source include:
  - (i) Moore Creek; and
  - (ii) Sulcor.

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**Schedule 5 Licences authorising the extraction of water for town water supply purposes for the City of Tamworth**

<b><i>Water Act 1912</i> entitlements from which access licences arise on commencement of this Plan:</b>
90SL040460
90SL011230
90BL131622
90BL131623
90BL131624
90BL131625
90BL131626
90BL131627
90BL131628
<b>Access licences:</b>

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## **Schedule 6 Access licences exempt from cease to pump rules in the Peel Alluvium Water Source**

### **1 General**

This clause applies to the following:

<b>Access licences that have arisen from the following <i>Water Act 1912</i> entitlements</b>
90BL104981
90BL137325
90BL144988
90BL247770
90BL250062
<b>Access licences:</b>

### **2 Local water utility access licences in the Peel Alluvium Water Source that have not undertaken major augmentation of their water supply system**

This clause applies to the following:

<b>Local water utility access licences that have arisen from the following <i>Water Act 1912</i> entitlements</b>
90BL012517
90BL014579
90BL131051
<b>Local water utility access licences</b>

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**Schedule 7 Supplementary water and supplementary water (general security) access licence share components**

<i>Water Act 1912</i> <b>Part 2 or Part 5 entitlement</b>	<b>Supplementary water or supplementary water (general security) access licence share component</b>
(Licence number(s))	(unit shares)
90BL247339, 90BL247387	38
90BL021119, 90BL030101, 90BL142119	165
90BL030014	2
90BL030015	5
90BL030033	19
90BL030077, 90BL246424	96
90BL030261	4
90BL030284	27
90BL030303	12
90BL030361	20
90BL030433	4
90BL030688, 90BL246944	17
90BL030797, 90BL030799	12
90BL248278	3
90BL100204	28
90BL100890	13
90BL151982, 90BL153746, 90BL153747, 90BL153748	61
90BL101555, 90BL102343, 90BL114984	211
90BL021430, 90BL021431, 90BL103745, 90BL103746	8
90BL152194, 90BL152195, 90BL152753	91
90BL247933	11
90BL152565	4
90BL132784	27
90BL104379	9
90BL104981, 90BL250138	15

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<b>Water Act 1912 Part 2 or Part 5 entitlement</b>	<b>Supplementary water or supplementary water (general security) access licence share component</b>
(Licence number(s))	(unit shares)
90BL105513, 90BL247342	10
90BL250228	61
90BL153067	22
90BL153648, 90BL248423	12
90BL111269, 90BL111270	106
90BL114561, 90BL251270	24
90BL114960	3
90BL115449, 90BL115451, 90BL115452	83
90BL154515, 90BL154516	2
90BL154645, 90BL250415	3
90BL118826	4
90BL118325, 90BL250352	25
90BL119915	7
90BL120388, 90BL120963, 90BL133226, 90BL247389	81
90BL120589, 90BL154820, 90BL246130	3
90BL154925, 90BL246961	88
90BL121687	46
90BL122008, 90BL250744, 90BL250745	14
90BL122052, 90BL248354	85
90BL123329	8
90BL123355, 90BL126254, 90BL126255, 90BL154502, 90BL154503	201
90BL016183, 90BL124142, 90BL248205	4
90BL126199	45
90BL126689, 90BL151527	21
90BL127361	77
90BL247767	8
90BL130400, 90BL130401, 90BL130402	69
90BL012517, 90BL014579, 90BL131051	376
90BL131532, 90BL249409	32

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<i>Water Act 1912</i> <b>Part 2 or Part 5 entitlement</b>  (Licence number(s))	<b>Supplementary water or supplementary water (general security) access licence share component</b>  (unit shares)
90BL133130	10
90BL246129, 90BL248040, 90BL248041	6
90BL134276	1
90BL246297, 90BL246298, 90BL246299, 90BL248145	227
90BL135896	11
90BL136266, 90BL247663	20
90BL246428	36
90BL136412	12
90BL136413, 90BL136414	171
90BL137042	6
90BL246558	35
90BL246559	4
90BL136763, 90BL249091	39
90BL137325	31
90BL137571	29
90BL016987, 90BL016988, 90BL016989, 90BL019473	18
90BL246613	25
90BL012032, 90BL138203	130
90BL246632	28
90BL017182, 90BL246681	13
90BL139393, 90BL139394	26
90BL246683, 90BL247404	34
90BL250322	34
90BL139434	16
90BL246710	64
90BL246713	51
90BL246716, 90BL246717	57
90BL139908	5
90BL246821, 90BL246822	20

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<i>Water Act 1912</i> <b>Part 2 or Part 5 entitlement</b>	<b>Supplementary water or supplementary water (general security) access licence share component</b>
(Licence number(s))	(unit shares)
90BL246830, 90BL246831	9
90BL141219, 90BL249408	25
90BL246889, 90BL246942	71
90BL142081	25
90BL006559, 90BL006560, 90BL142082	1
90BL142099	48
90BL021655, 90BL021656, 90BL021657, 90BL246908, 90BL246909	50
90BL246941	21
90BL142365	73
90BL143146	65
90BL247052	11
90BL247053, 90BL247056	35
90BL143220	46
90BL247054	10
90BL247079, 90BL247118, 90BL247119	130
90BL247081	7
90BL143511, 90BL143512	85
90BL247086	19
90BL247091, 90BL247092	22
90BL012246, 90BL012247, 90BL247093	45
90BL247094	29
90BL144019	23
90BL144988	17
90BL247214, 90BL248524	75
90BL015587, 90BL247224	13
90BL247226, 90BL248565, 90BL248566, 90BL248567	106
90BL247418	1
90BL247443, 90BL248568, 90BL248569, 90BL248571	2

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<i>Water Act 1912</i> <b>Part 2 or Part 5 entitlement</b>  (Licence number(s))	<b>Supplementary water or supplementary water (general security) access licence share component</b>  (unit shares)
90BL145349	22
90BL150210, 90BL154760	10
90BL150658	26
90BL150926, 90BL150928, 90BL247111, 90BL247481	58
90BL151525	11
90BL247446, 90BL247910	88
90BL142436, 90BL142438, 90BL142439, 90BL142440	107
90BL009158	8
90BL030337, 90BL152451, 90BL248551, 90BL251949	143
90BL031433, 90BL248101	9
90BL115462, 90BL115463	20
90BL015636, 90BL102899, 90BL122923	86
90BL122240, 90BL122241, 90BL246903	55
90BL120984	57
90BL014873, 90BL022849	4
90BL012265, 90BL017813	54
90BL247948	7
90BL137857, 90BL151056	37
90BL141666, 90BL141667, 90BL141668	204
90BL139445	2
90BL030149, 90BL030150, 90BL246826	8
90BL010927, 90BL029929, 90BL030793, 90BL031489, 90BL254034	80
90BL031571, 90BL109526	9
90BL019088, 90BL107287	23
90BL009906, 90BL120185, 90BL130380	74
90BL247108, 90BL247109	22
90BL154517	66

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<i>Water Act 1912</i> <b>Part 2 or Part 5 entitlement</b>  (Licence number(s))	<b>Supplementary water or supplementary water (general security) access licence share component</b>  (unit shares)
90BL246560	8
90BL120813	21
90BL126950, 90BL126953	22
90BL248267	18
90BL247495	17
90BL020093, 90BL248525	14
90BL011099, 90BL012033	54
90BL004811, 90BL004813, 90BL248514	25
90BL018839	36
90BL014903, 90BL016971	8
90BL011353	3
90BL011706, 90BL250169	92
90BL013836, 90BL248845	101
90BL013764, 90BL253931	10
90BL010450, 90BL012889, 90BL012936, 90BL248513	114
90BL013954, 90BL013955, 90BL013956, 90BL013957	128
90BL011425, 90BL011428	66
90BL013141, 90BL017805, 90BL249205	180
90BL012778, 90BL012779, 90BL020402, 90BL020404, 90BL020413	76
90BL008271, 90BL008272, 90BL247167, 90BL247168	36
90BL006272, 90BL011338	47
90BL015637, 90BL122924	45
90BL122242	51
90BL012812, 90BL247901	1
90BL248526, 90BL248527	12
90BL248521, 90BL253956, 90BL254011	25
90BL248518	18

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<i>Water Act 1912</i> <b>Part 2 or Part 5 entitlement</b>  (Licence number(s))	<b>Supplementary water or supplementary water (general security) access licence share component</b>  (unit shares)
90BL248517	14
90BL248515, 90BL248516	40
90BL248519, 90BL248520	88
90BL248510	38
90BL248523	2
90BL248573	35
90BL248572	17
90BL248574	20
90BL100317, 90BL100318, 90BL100328, 90BL150086, 90BL152740, 90BL249502, 90BL254509	55
90BL030654, 90BL143526	13
90BL021426, 90BL253951	34
90BL009625	14
90BL016061, 90BL016062	140
90BL248846	7
90BL248703	3
90BL248763	23
90BL248704	40
90BL248843	20
90BL248851	6
90BL020602	6
90BL151107	8
90BL249098	15
90BL249420	23
90BL017342, 90BL252444	28
90BL249329, 90BL249330	6
90BL249419	42
90BL249538, 90BL249539	68
90BL018340	3
90BL020447	4

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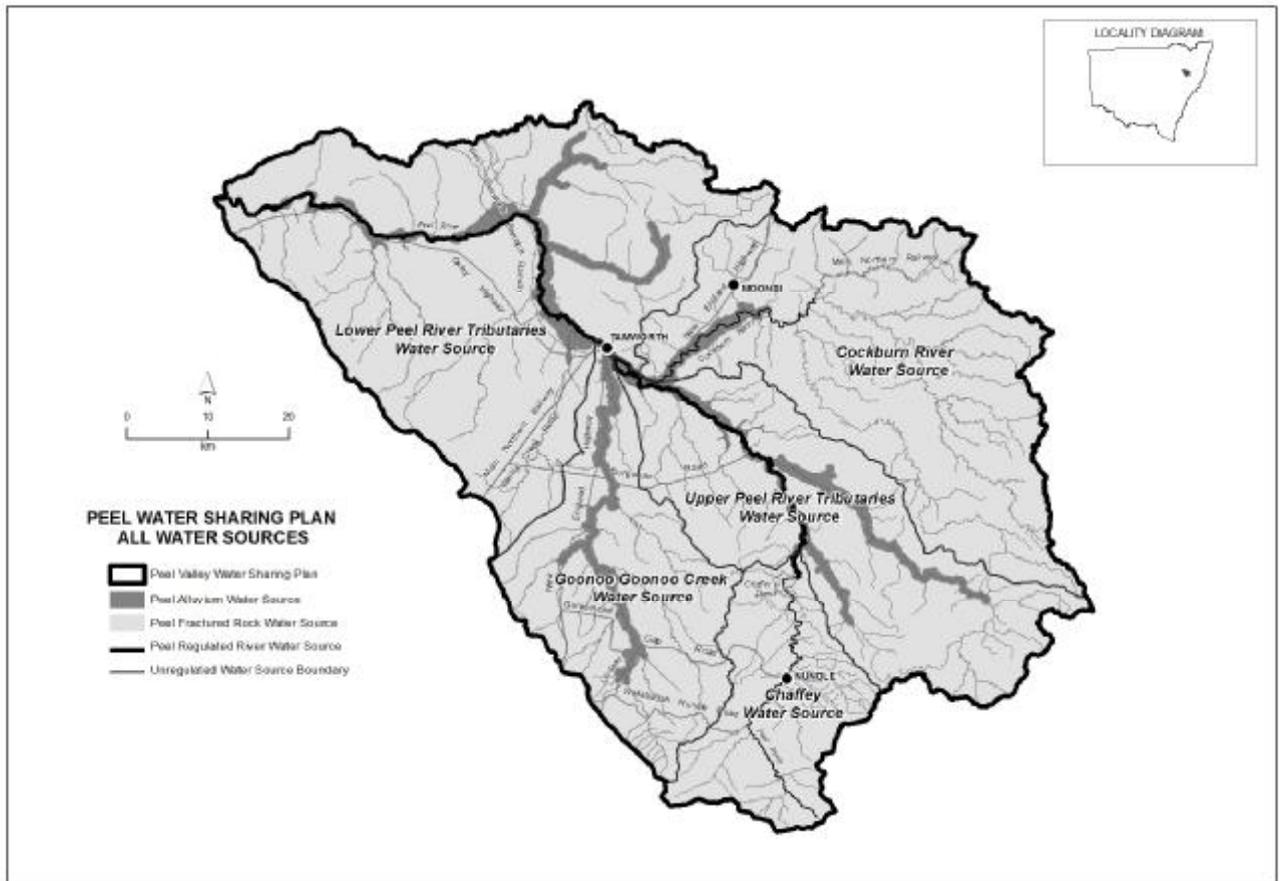
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<b><i>Water Act 1912</i></b> <b>Part 2 or Part 5 entitlement</b>  (Licence number(s))	<b>Supplementary water or supplementary water (general security) access licence share component</b>  (unit shares)
90BL251750	15
90BL249890	4
90BL155458	10
90BL250227	5
90BL150659	33
90BL012294	18
90SL006515	27
90SL009737	34
90SL043337	221
90SL043452	36
90SL044464	259
90SL047317	184
90SL050059	221
90SL051036	79

**Appendix 1 Overview of the Registered Map**



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## **Appendix 2 Inspection of Registered Map**

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

NSW Office of Water  
Department of Environment, Climate Change and Water  
10 Valentine Ave  
PARRAMATTA NSW 2150

NSW Office of Water  
Department of Environment, Climate Change and Water  
155-157 Marius Street  
TAMWORTH NSW 2340