

Changes to the Namoi and Peel unregulated water sharing plan

A summary of the changes made to the *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012*

The NSW Government has amended the *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012* to include rules for floodplain harvesting (unregulated river) access licences that are to be issued in the water sources. We also made changes to allow for an incidental commercial benefit when taking water under an Aboriginal cultural access licence.

Table 1 summarises the substantive changes to the 2012 plan.

Table 1. Summary of changes to the *Water Sharing Plan for the Namoi and Peel Unregulated River Water Sources 2012*

Plan part	2024 change	Basis for change
Part 5 – Requirements for water	We added a provision (cl.23A) to allow for the specification of floodplain harvesting access licence share components.	Licensing and management of floodplain harvesting take.
Part 6 – Limits to the availability of water	(a) We added provisions to enable reduction in floodplain harvesting take in the case of non-compliance with extraction limits (cl.33B).	Licensing and management of floodplain harvesting take.
As above	(b) We added a provision to provide for available water determinations for floodplain harvesting access licences (cl.36A).	Licensing and management of floodplain harvesting take.

Plan part	2024 change	Basis for change
Part 7 – Rules for granting access licences	We amended a clause to allow for commercial benefit from the taking or use of water under an Aboriginal cultural licence if that commercial benefit is ancillary or incidental to the cultural purpose for which the water was taken (cl.41).	Responds to concerns expressed by Aboriginal communities that they may inadvertently break the law if they use an Aboriginal cultural licence primarily for cultural purposes, but the communities gain a secondary, ancillary or incidental commercial benefit.
Part 8 – Rules for managing access licences	(a) We added a provision to manage floodplain harvesting licence water allocation accounts (cl.43).	Licensing and management of floodplain harvesting take.
As above	(b) We added a provision to exclude floodplain harvesting take from the application of daily access and pool pumping restrictions that apply to river access licences (cl. 47(18)(e)).	Licensing and management of floodplain harvesting take.
Part 9 – Rules for water supply work approvals	We added provisions to manage the location of new or amended floodplain harvesting works to protect high value floodplain environmental assets, values and functions, and to deliver the intent of the floodplain management plans that apply in the plan area (cl.52).	Licensing and management of floodplain harvesting take.
Part 10 – Access licence dealing rules	We included provisions for limited dealings (trade) of floodplain harvesting access licences, subject to restrictions prohibiting such into areas on the floodplain of high environmental value (cl.62, cl.65, cl.67).	Licensing and management of floodplain harvesting take.
Part 11 – Mandatory conditions	(a) We included a provision that applies mandatory conditions to floodplain harvesting access licences and water supply work approvals (cl.69).	Licensing and management of floodplain harvesting take.

Plan part	2024 change	Basis for change
As above	(b) We removed provisions relating to recording and reporting of water taken prior to the cessation of the temporary exemption from the mandatory metering equipment condition in accordance with clause 230 (1) of the <i>Water Management (General) Regulation 2018</i> (cl.70 and cl.71).	The temporary exemption from the mandatory metering equipment condition has now ceased. Metering is required and the provisions are no longer applicable.
Part 12 – Amendment of this plan	We included provisions that allow for future amendments to plan rules relating to the management of floodplain harvesting licences including, for example, in response to monitoring and evaluation, the need to protect overland flow for environmental purposes, and improved understanding of the influence of floodplain harvesting on downstream flows (cl.82).	Licensing and management of floodplain harvesting take.
Appendices 3A and 3B	We added new appendices with maps of the Upper and Lower Namoi floodplains and their management zones that impact the management of floodplain harvesting licences and works.	Licensing and management of floodplain harvesting take.

The process for changing water sharing plans

As well as the approval of the Minister for Water, amending a plan requires the agreement of the NSW Minister for the Environment (this is known as ‘concurrence’). Consistent with section 9 of the *Water Management Act 2000* (the WM Act), when amending a water sharing plan the ministers must:

- take all reasonable steps to promote the water management principles of the WM Act and
- give priority to the principles relating to water sharing according to the order they are set out in under section 5 (3) of the WM Act.

The water sharing management principles under s5(3) of the WM Act are (in their order of priority):

- 1) Sharing water from a water source must protect the water source and its dependent ecosystems.
- 2) Sharing water from a water source must protect basic landholder rights.
- 3) Sharing or extraction of water under any other right must not prejudice the principles set out in points 1 and 2.

The NSW Department of Climate Change, Energy, the Environment and Water’s Water group worked with colleagues in the department’s Environment group to develop the amendments before submitting the plan for the agreement and approval of the ministers.

More information

To read the water sharing plan and supporting fact sheets, visit <https://water.dpie.nsw.gov.au/plans-and-programs/water-sharing-plans/status/namoi-region>.

To read the water sharing plan amendment protocol, visit https://water.dpie.nsw.gov.au/data/assets/pdf_file/0004/509863/water-sharing-plan-amendment-protocol.pdf