

# A new water sharing plan for the Namoi and Peel Rivers area

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## A summary of proposed changes in the draft *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2025*

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Water sharing plans (plans) are the primary legal framework for managing water access and sharing in NSW. The plans are valid for 10 years from their start date.

The Natural Resources Commission (NRC) formally reviews a plan near the end of its 10-year term. The review identifies any changes necessary to deliver better outcomes for all water users, including the environment.

Under the *Water Management Act 2000 (WM Act)*, the minister may extend a plan for another 10 years or replace it with a changed plan, based on the recommendation of the NRC.

In June 2023, the NRC completed its review of the *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012* (the 2012 plan) and recommended its replacement. The replacement plan is due by 1 July 2025. A copy of the NRC report is available from the [Publications pages of the NRC website](#).

The NSW Department of Climate Change, Energy, the Environment and Water (the department) has drafted a new water sharing plan – the *Water Sharing Plan for Namoi and Peel Unregulated Rivers Water Sources 2025* (the draft plan). When finalised, this will replace the 2012 plan.

We have updated the draft plan to align with the structure and wording of recent plans. This includes removing redundant clauses and notes, changing the numbering of parts and sections, and updating contact information.

These changes will improve consistency across all plans and align with current policy positions and administrative practices. In some circumstances, re-drafting was required to provide clarity or remove ambiguity associated with the existing rules. We have also updated the amendment provisions to allow us to change the plan if new information is available. We will consult the public before making any future changes that could affect water users or the environment's access to water.

The new approach for reviewing a plan's access rules in the inland regions of NSW relies on a risk assessment. The risk assessment identifies risks for each water source, based on the consequence

(loss of ecological value) and likelihood (probability of impacts) of a threat occurring in the water source.

A risk assessment was completed for this plan area in 2020 as part of the requirement to meet the Basin Plan 2012. The risk assessment identifies risk outcomes for each water source and highlights areas where current management should be reviewed to ensure adequate protection of low flows, based on the consequence (loss of ecological value) and likelihood (probability of impacts) of a threat occurring in the water source.

This fact sheet summarises the key changes proposed to the 2012 plan.

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## Objectives, strategies and performance indicators

The department has revised the objectives, strategies and performance indicators to better reflect the principles of the *WM Act*. The draft plan deals with similar matters to the current one. We have made changes to:

- make a stronger logical connection between objectives, the strategies of the plan and the performance indicators we will monitor
- distinguish clearly between the environmental, economic, social and Aboriginal cultural objectives of the plan.

New provisions have been added to ensure a monitoring, evaluation and reporting (MER) plan for this plan is published by December 2026. The implementation of the plan, including progress against the MER plan, will be publicly reported on annually from December 2025. In Year 9 of the plan, we will publicly report on the results of the monitoring and evaluation undertaken.

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## Environmental water provisions

The environmental water provisions (legal conditions) remain in the plan but not in their own part. We have distributed them throughout the draft plan into:

- Part 4 – Limits to the availability of water
- Part 6 – Operation of water allocation accounts and managing access licences.

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## Estimated water requirements for basic landholder rights and licensed take

The draft plan gives updated:

- estimates of water requirements for basic landholder rights that consider recent data sets for urban areas, numbers of houses and land use
- the total volumes or unit shares specified in the share components of all access licences to reflect current information.

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## Review of the Long Term Average Annual Extraction Limit (LTAAEL)

### Establish a numeric LTAAEL

The draft plan specifies that the department is to determine and publish a numeric LTAAEL by December 2026. The extraction limit is currently described by a set of conditions based on development during a specific period of time rather than a defined numeric volume. The NRC in its review of inland unregulated water sharing plans has recommended all plans include a numeric extraction limit to improve transparency and support the annual compliance assessment against the limit.

### Review the numeric LTAAEL to ensure a sustainable level of take

It is proposed that by year 5 the LTAAEL will have been reviewed to determine a sustainable level of take. This review will build on the work currently being undertaken by the department investigates how plans can consider and adapt to climate change. Any changes to the extraction limit will need to be considered within the context of the Basin Plan's sustainable diversion limits. The review will also consider cultural, social and economic outcomes.

The department has commenced a major program of integrating climate change and climate variability considerations into the plans. The work has commenced with a review of the minimum inflows to inform maintenance of water supply in inland regulated river systems. This is a key piece of work in relation to climate considerations within plans.

The draft plan includes provisions which allow the plan to be amended, and to consider the outcomes of this review.

The department will seek the advice of the NRC during the review..

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## Changes to access rules

A key recommendation from the NRC's review of inland unregulated plans was to introduce flow based access rules where suitable gauges are available. This change addresses compliance and enforcement issues associated with the 'no visible flow' rule and provides better protection of very

low flows. The draft plan proposes changes to the access rule in the Mid Macdonald, the Upper Namoi and the Upper Peel Tributaries water sources.

#### **Macdonald River downstream of Woolbrook Management Zone (Mid Macdonald Water Source)**

The risk assessment indicated this management zone has medium ecological values and low flows are at high risk of being impacted by extraction. It supports a range of aquatic species, including the Booroolong frog, Davie's tree frog, tusked frog, Murray cod, Bell's turtle, and eel-tailed catfish, and a variety of aquatic insects important in the river food chain. It also holds vital platypus habitat.

The current CTP trigger for this management zone is 10 ML/day measured Macdonald River at Retreat gauge (419028). It is proposed to increase the CTP to 15 ML/day to improve the protection of low flows to support the environmental values within this management zone.

#### **Halls Creek Management Zone (Upper Namoi Water Source) and Halls Creek Alluvial Management Zone (Manilla Alluvial Groundwater Source)**

This water source has areas of very high naturalness and supports a diverse range of species including. Eel-tailed Catfish, Tusked Frog endangered population, Booroolong Frog, Davie's Tree Frog and Murray Cod.

The CTP trigger for this management zone is proposed to increase from the current 1 ML/day to 2 ML/day measured at Halls Creek at Ukolan gauge (419029). This will help reduce cease to flow periods, protect critical low flows important for connectivity and instream biodiversity and improve supply for basic landholder rights.

In this management zone, surface water is highly connected to groundwater in the Halls Creek Alluvial Management Zone of the Manilla Alluvial Groundwater Source. Therefore, the proposed increase in the cease to pump condition will apply to groundwater access licences in the Halls Creek Alluvial Management Zone under the *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020* when flows have been at or below 2ML/day for 14 or more consecutive days.

#### **Macdonald and Namoi River Management Zone (Upper Namoi Water Source) and Namoi Unregulated River Alluvial Management Zone (Manilla Alluvial Groundwater Source)**

The water source is considered to have high ecological values. The risk assessment has identified a potential high risk to zero flow periods and base flows. There is significant entitlement within this management zone, which increases the potential for extraction to impact ecological values.

The current CTP rule for this management zone is no visible flow over the crest of Manilla Weir which only provides minimal protection for the environment. An additional CTP rule set at 1 ML/day at the Namoi River at North Cuerindi gauge (419005) is being proposed to provide additional

protection for low flows. This will protect low flows in the management zone and improve connectivity throughout the system.

In this management zone, surface water is highly connected to groundwater in the Namoi Unregulated River Alluvial Management Zone of the Manilla Alluvial Groundwater Source. Therefore, the proposed changes in cease to pump condition will apply to groundwater access licences in the Namoi Unregulated River Alluvial Management Zone under the *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020* when flows have been at or below the specified levels for 14 or more consecutive days. There are currently no access licences authorised to take groundwater from this Namoi Unregulated River Alluvial Management Zone.

#### **Dungowan Creek Management Zone (within Upper Peel Tributaries Water Source).**

The Upper Peel Tributaries Water Source has two management zones: the Dungowan Creek Management Zone and the Duncans Creek and Other Tributaries Management Zone. Dungowan Creek and Duncans Creek are the main creeks in this water source. The Dungowan Dam is located in the Dungowan Creek Management Zone is owned and managed by the Tamworth Regional Council.

The Dungowan Creek Management Zone has different CTP triggers for licences above and below the Thortons Road bridge. The licences above the Thortons Road bridge have a CTP of no visible flow at Thortons Road bridge, and licences below the Thortons Road bridge have a CTP of no visible flow at the pump site.

The Dungowan Creek at Upstream Dungowan gauge (419103) was established in 2010. Clause 76(2)(c) of the 2012 plan includes an amendment provision to enable the gauge to be used as a reference point for the licences downstream of Thornton Road Bridge.

The Upper Peel tributaries are a key area for the fish community in the Peel Valley. They are home to threatened species such as Freshwater Catfish (NSW listed), Murray Cod (Commonwealth listed species), and River Blackfish (species of concern).

The water source is considered to have medium ecological values. The risk assessment has identified a potential high risk to zero flow periods and base flows, indicating extraction has a high potential to impact ecological values. To minimise the risk to the environment the department is proposing to increase the CTP for the licences below the Thortons Road bridge to 2 ML/day using the Dungowan Creek at Upstream Dungowan gauge (419103).

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## **Amendment provision to review high risk water sources**

An amendment provision has been included in the draft plan to allow access rules in water sources identified as being at high risk from extraction to be reviewed, where no change to access rules has been recommended in the draft plan. In some water sources, changes were not recommended due

to there being no telemetric gauge available to manage access or the where the reliability of a gauge was considered poor. These water sources will be reviewed by Year 5 for the purpose of improving protection of water dependent ecosystems and connectivity between water sources. The review will consider new information, where it is available, as well as associated cultural, social and economic implications of any changes to access rules. The water sources/management zones identified for review are listed below:

- Cockburn River Water Source
- Lower Peel Tributaries Water Source
- Maules Creek Water Source
- Werris Creek Water Source

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## Total and individual daily extraction limits

We propose to remove references to total and individual daily extraction limits (TDELs and IDELs) from the draft plan and include an amendment provision that would allow us to introduce IDELs in the future if necessary.

We cannot implement TDELs and IDELs now because of the lack of metering and flow gauges. However, we believe that TDELs and IDELs are an appropriate management tool in some areas where they can be implemented. We want to be able to introduce them in the future if required and if there is suitable river measurement infrastructure and metering.

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## Trading

Trading is an important tool for making both environmental and economic improvements. A detailed review of trading rules for the Namoi and Peel Unregulated water sources was undertaken during 2015 – 2018, per clause 78 (a) of the 2012 plan. The new water trading rules were widely consulted and agreed upon by the Namoi Stakeholder Advisory Panel (SAP). The 2012 plan was amended to incorporate these new rules in 2020.

The department is proposing only one change in the trading rules for the Pian Creek water source. Trade into Pian Creek Tributaries Management Zone will be limited to no net gain in the entitlement at the commencement of the draft plan. This change will mitigate the high level of risk to environmental values held within the management zone that may have been caused by any additional extraction. For the remaining water sources, trade rules are unchanged.

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## In-river dams and Town Water Supply

Plans contain specific rules relating to the construction and operation of in-river dams. Current policy prohibits the construction of new in-river dams in third or higher order streams in water sources identified as having high instream value.

The draft plan prohibits in-river dams in the following additional water sources:

- Bohena Creek Water Source,
- Etoo and Talluba Creeks Water Source,
- Lower Namoi Water Source,
- Maules Creek Water Source,
- Pian Creek Water Source,
- Spring Creek Water Source,
- Bobbiwaa Creek Water Source
- Cockburn River Water Source
- Upper Peel Tributaries Water Source.

We propose to include an exemption for in-river dam applications that are for town water supply purposes. This provides an opportunity for inland towns to consider in-river dams as an option to improve the security, reliability, and resilience of town water supplies. This is consistent with the State Water Strategy priority actions for town water supply.

It should be noted applications for a new water supply works approval or to amend an existing approval is subject to a stringent assessment process that considers case-by-case the location and impact of the works being applied for. There is no guarantee an application will be approved as this is determined by the assessment process.

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## Protecting replenishment flows

The NRC recommended in their review of the 2012 plan that the draft plan includes provisions that protect replenishment flows from unregulated extraction within the plan area.

The new provision aims to improve water quality outcomes for Walgett township by protecting the replenishment flows sent from Keepit and Split Rock Dams to the unregulated Pian Creek Water Source. Each year a volume of 14,000 ML is reserved under Section (59) of *The Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016*. It is proposed to protect these releases from extraction by unregulated river access licence holders as they move through Pian Creek,. These new provisions address NRC recommendations and ensure replenishment flows



for Pian Creek Water Source cannot be extracted for any purposes other than domestic and stock basic landholder rights.

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## Protecting wetlands

The draft plan identifies ‘WSP prescribed wetlands’ in the plan area. It improves their protection by restricting new surface water supply works and trade into these important areas. The draft plan proposes there will be no new works or trades allowed within, or within 3 km upstream of, Ramsar listed wetlands or within a wetland shown on the WSP Prescribed Wetlands Map. The rules will not apply to replacement surface water supply works. For more information please see the factsheet on Improving protection of wetlands in inland New South Wales.

The WSP Prescribed Wetlands Map for the plan area uses spatial data from:

- the Long-Term Water Plan,
- Ramsar (internationally important) wetlands listing,
- the Directory of Important Wetlands of Australia,
- existing lists of wetlands already in the plans
- ecological assets listed in floodplain management plans in management zone D,
- Endangered Ecological Communities of the plan area that are wetlands,
- regionally significant cultural wetlands (if known).

The wetland category of ‘WSP prescribed wetlands’ will include an exemption to proposed new rules if no more than minimal harm can be demonstrated. The proposed rules address the NRC’s recommendations to improve protection for identified wetlands within the plan area.

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## Additional protection for Gulligal and Wee Waa Lagoons

The 2012 plan allows water access to 80% of the full supply level for Gulligal and Wee Waa Lagoons. The department is proposing to apply a default no drawdown below full supply level (100%) rule for Gulligal and Wee Waa Lagoons from the commencement of the replacement plan.

Existing licence holders will be given the opportunity during public exhibition to make a submission to retain access until the pool drops to 80% capacity. Submissions will be considered on a case-by-case basis. Where no submission is made, or a submission is refused, the no drawdown rule will apply. As the impact of this change is unknown, this proposal will be highlighted during public consultation, and submissions from affected users will be sought.



The 2012 plan allows for new works in Gulligal Lagoon. However, trade into the lagoon is restricted. The department is also proposing to prohibit new surface water works within the Gulligal Lagoon, which is consistent with the proposed changes to protect wetlands.

These rule changes will improve the protection of the environmental values of off-river pools and lagoons and ensure consistency with the Pool Policy. The proposed rules address the NRC's recommendations to improve protection for WSP prescribed wetlands within the plan area.

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## Carryover for domestic and stock access licences and local water utility access licences in Namoi Unregulated Water Sources

The domestic and stock access licences and local water utility access licences within the unregulated water sources in the Peel Valley are allowed to carry over unused entitlement however this provision is not allowed for the unregulated water sources in the Namoi Valley.

The department is proposing to allow carryover domestic and stock access licences and local water utility access licences in Namoi Unregulated Water Sources. The proposed change maintains consistency within the draft plan. This change will assist Walcha Council in filling the off-stream storages quickly after a prolonged drought and mitigate the township's water security concerns.

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## Improve connectivity in the Northern Basin

A new amendment provision has been proposed to allow changes associated with the Connectivity Expert Panel's Final Report. This amendment will facilitate the Implementation Program developed to improve connectivity in the Northern Basin. The following water sources have been identified under this amendment:

- Baradine Creek Water Source
- Brigalow Creek Water Source
- Bundock Creek Water Source
- Coghill Creek Water Source
- Etoo and Talluba Creeks Water Source
- Lower Namoi Water Source
- Pian Creek Water Source

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## More information

The draft plan and other fact sheets are available from the department's website at [www.water.nsw.gov.au/namoi-peel-rivers-water-sharing-plan](http://www.water.nsw.gov.au/namoi-peel-rivers-water-sharing-plan).