



New South Wales

Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025

under the

Water Management Act 2000

I, the Minister for Water, make the following plan under the *Water Management Act 2000*, section 50.

Minister for Water

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Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025

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Part 1 Introduction

Note— Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Gwydir Water Management Area and the Border Rivers Water Management Area.

1 Name of Plan

This Plan is the *Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025*.

2 Commencement

This Plan commences on 1 July 2025.

3 Water sources to which Plan applies

(1) This Plan applies to the following water sources (*the water sources*) identified on the Plan Map, being water sources within the Gwydir Water management Area—

- (a) Bakers Creek Water Source,
- (b) Barwon Water Source,
- (c) Boorolong Creek Water Source,
- (d) Carole Creek Water Source,
- (e) Copeton Dam Water Source,
- (f) Georges Creek Water Source,
- (g) Gil Gil Creek Water Source,
- (h) Gingham Watercourse Water Source,
- (i) Gurley Creek Water Source,
- (j) Gwydir Water Source,
- (k) Halls Creek Water Source,
- (l) Keera Creek Water Source,
- (m) Laura Creek Water Source,
- (n) Mackenzies Flat Water Source,
- (o) Mehi River Water Source,
- (p) Millie Creek Water Source,
- (q) Moredun Creek Water Source,
- (r) Moree Water Source,
- (s) Mosquito Creek Water Source,
- (t) Myall Creek Water Source,
- (u) Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
- (v) Rocky River Water Source,

- (w) Roumalla Creek Water Source,
 - (x) Slaughterhouse Creek Water Source,
 - (y) Thalaba Creek Water Source,
 - (z) Tycannah Creek Water Source,
 - (za) Upper Gwydir River Water Source, and
 - (zb) Warialda Creek Water Source.
- (2) Subject to subsection (3), the water sources include all surface water.
- (3) The water sources do not include water—
- (a) contained in the Gwydir Regulated River Water Source to which the *Water Sharing Plan for the Gwydir Regulated River Water Source 2016* applies, and
 - (b) contained in the Barwon-Darling Unregulated River Water Source to which the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012* applies, and
 - (c) taken in the course of floodplain harvesting under a floodplain harvesting (regulated river) access licence.

Note— Under the Act, section 57A(4), water taken from the floodplain for a regulated river water source under a floodplain harvesting access licence is treated as having been taken from the regulated river water source.

4 Management zones to which Plan applies

- (1) The Copeton Dam Water Source is divided into the following management zones as shown on the Plan Map—
- (a) Copes Creek Management Zone, and
 - (b) Copeton Dam Management Zone.
- (2) The Gingham Watercourse Water Source is divided into the following management zones as shown on the Plan Map—
- (a) Gingham Watercourse Tributaries Management Zone,
 - (b) Lower Gingham Watercourse Management Zone, and
 - (c) Upper Gingham Watercourse Management Zone.
- (3) The Halls Creek Water Source is divided into the following management zones as shown on the Plan Map—
- (a) Halls Creek Management Zone, and
 - (b) Halls Creek Tributaries Management Zone.
- (4) The Mehi River Water Source is divided into the following management zones as shown on the Plan Map—
- (a) Mallowa Creek Management Zone, and
 - (b) Mehi Management Zone.
- (5) The Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source is divided into the following management zones as shown on the Plan Map—
- (a) Cobbadah Management Zone,
 - (b) Lower Horton Management Zone,
 - (c) Rocky Creek Management Zone, and

- (d) Upper Horton Management Zone.

4A Trading Zones to which Plan applies

- (1) The Copeton Dam Water Source is divided into the following trading zones shown on the Plan Map—
 - (a) Copeton Tributaries Trading Zone,
 - (b) Gwydir River and Copes Creek Trading Zone.
- (2) The Mehi River Water Source is divided into the following trading zones shown on the Plan Map—
 - (a) Mallowa Creek Trading Zone,
 - (b) Mehi River Tributaries Trading Zone.
- (3) The Moredun Creek Water Source is divided into the following trading zones shown on the Plan Map—
 - (a) Gwydir River Trading Zone,
 - (b) Moredun Creek and Tributaries Trading Zone.
- (4) The Upper Gwydir River Water Source is divided into the following trading zones shown on the Plan Map—
 - (a) Upper Gwydir River Trading Zone,
 - (b) Upper Gwydir River Tributaries Trading Zone.

5 Extraction management units established by Plan—the Act, s 20(2)(a)

[Not Applicable].

6 Interpretation

- (1) The Dictionary in Schedule 4 defines words used in this Plan.
Note—The *Interpretation Act 1987* contains definitions and other provisions affecting the interpretation and application of this Plan.
- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name kept and made available for public access in accordance with arrangements approved by the Minister.

Note—The following maps are available on the Department's website—

- (a) Plan Map,
 - (b) WSP Prescribed Wetlands Map.
- (2) A map that amends or replaces a map adopted by this Plan has effect only if this Plan is amended to give effect to it.

Part 2 Vision, objectives, strategies and performance indicators

8 Vision statement—the Act, s 35(1)(a)

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

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

9 Objectives of Plan—the Act, s 35(1)(b)

The objectives of this Plan are as follows—

- (a) to protect and, where possible, enhance and restore the condition of the water sources and their water-dependent ecosystems,
- (b) to maintain and, where possible, improve access to water to optimise economic benefits for agriculture, water-dependent industries and local economies,
- (c) to maintain and, where possible, improve the spiritual, social, customary and economic values and uses of water by Aboriginal people,
- (d) to provide access to water to support water-dependent social and cultural values,
- (e) to maintain and where possible improve water quality within target ranges for the water sources to support water-dependent ecosystems and social, cultural and economic values.

10 Strategies for reaching objectives—the Act, s 35(1)(c)

- (1) The strategies for reaching the objectives of this Plan include the following—
 - (a) on average, reserve all water in excess of each long-term average annual extraction limit and long-term average sustainable diversion limit for the environment,
 - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,
 - (c) restrict the take of water from an in-river pool or off-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,
 - (d) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources,
 - (e) manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, basic landholder rights and town water supply,
 - (f) restrict or prevent water supply work approvals for in-river dams on third or higher order streams within specified water sources,
 - (g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
 - (h) provide a stable and predictable framework for sharing water among water users,
 - (i) provide for flexibility of access to water,

- (j) manage access to water consistently with the exercise of native title rights and domestic and stock rights,
 - (k) provide for water associated with Aboriginal cultural values and uses,
 - (l) restrict the take of water to protect Active Environmental Water.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

11 Performance indicators—the Act, s 35(1)(d)

The performance indicators used to measure the success of the strategies for reaching the objectives of this Plan are the changes or trends, during the term of this Plan, in the following—

- (a) the ecological condition of the water sources,
- (b) economic benefits,
- (c) Aboriginal cultural benefits,
- (d) social and cultural benefits,
- (e) water quality condition.

11A Monitoring and evaluation

- (1) Monitoring and evaluation of this Plan's objectives, strategies and performance indicators must be undertaken in the way approved by the Minister.
- (2) By 31 December 2026, the Minister must publish the monitoring, evaluation and reporting plan for this Plan that links with the objectives, strategies and performance indicators of this Plan.
- (3) By 31 December 2025, and annually thereafter, the Minister must publicly report on implementation of this Plan, including on progress against the monitoring, evaluation and reporting plan.
- (4) Commencing work in year 8 of this Plan, the Minister must publicly report in year 9 of this Plan on the results of the monitoring and evaluation undertaken according to the plan developed under subsection (2).

Part 3 Requirements for water

Division 1 Requirements for water to satisfy basic landholder rights— the Act, s 20(1)(b)

12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 3,284 ML/year distributed as follows—

- (a) 32 ML/year in the Bakers Creek Water Source,
- (b) 44 ML/year in the Barwon Water Source,
- (c) 81 ML/year in the Boorolong Creek Water Source,
- (d) 18 ML/year in the Carole Creek Water Source,
- (e) 194 ML/year in the Copeton Dam Water Source,
- (f) 112 ML/year in the Georges Creek Water Source,
- (g) 154 ML/year in the Gil Gil Creek Water Source,
- (h) 78 ML/year in the Gingham Watercourse Water Source,
- (i) 64 ML/year in the Gurley Creek Water Source,
- (j) 67 ML/year in the Gwydir Water Source,
- (k) 192 ML/year in the Halls Creek Water Source,
- (l) 122 ML/year in the Keera Creek Water Source,
- (m) 194 ML/year in the Laura Creek Water Source,
- (n) 56 ML/year in the Mackenzies Flat Water Source,
- (o) 112 ML/year in the Mehi River Water Source,
- (p) 121 ML/year in the Millie Creek Water Source,
- (q) 177 ML/year in the Moredun Creek Water Source,
- (r) 94 ML/year in the Moree Water Source,
- (s) 91 ML/year in the Mosquito Creek Water Source,
- (t) 25 ML/year in the Myall Creek Water Source,
- (u) 284 ML/year in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
- (v) 145 ML/year in the Rocky River Water Source,
- (w) 112 ML/year in the Roumalla Creek Water Source,
- (x) 91 ML/year in the Slaughterhouse Creek Water Source,
- (y) 106 ML/year in the Thalaba Creek Water Source,
- (z) 138 ML/year in the Tycannah Creek Water Source,
- (za) 126 ML/year in the Upper Gwydir River Water Source, and
- (zb) 257 ML/year in the Warialda Creek Water Source.

13 Native title rights

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

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

Note— A native title holder is entitled, without the need for an access licence, water supply work approval or water use approval, to take and use water in the exercise of native title rights—see the Act, section 55.

14 Harvestable rights

On the commencement of this Plan, the amount of water required to satisfy harvestable rights had not been estimated.

Division 2 Requirements for water for extraction under access licences

15 Share components of access licences in the water sources—the Act, s 20(1)(c)

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 315.5 ML/year distributed as follows—
 - (a) 6 ML/year in the Boorolong Creek Water Source,
 - (b) 21.5 ML/year in the Copeton Dam Water Source,
 - (c) 38.5 ML/year in the Gil Gil Creek Water Source,
 - (d) 5 ML/year in the Gingham Watercourse Water Source,
 - (e) 4.5 ML/year in the Gwydir Water Source,
 - (f) 16.5 ML/year in the Laura Creek Water Source,
 - (g) 49 ML/year in the Mehi River Water Source,
 - (h) 34 ML/year in the Millie Creek Water Source,
 - (i) 10 ML/year in the Moredun Creek Water Source,
 - (j) 21.5 ML/year in the Myall Creek Water Source,
 - (k) 27 ML/year in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
 - (l) 13.5 ML/year in the Rocky River Water Source,
 - (m) 12 ML/year in the Roumalla Creek Water Source,
 - (n) 17 ML/year in the Thalaba Creek Water Source,
 - (o) 12 ML/year in the Tycannah Creek Water Source,
 - (p) 27.5 ML/year in the Upper Gwydir River Water Source, and
 - (q) 0 ML/year in all other water sources.
- (2) On the commencement of this Plan, the share components of domestic and stock (subcategory “town water supply”) access licences are estimated to be a total of 757 ML/year distributed as follows—
 - (a) 43 ML/year in the Gil Gil Creek Water Source,
 - (b) 93 ML/year in the Moredun Creek Water Source,
 - (c) 621 ML/year in the Rocky River Water Source,

- (d) 0 ML/year in all other water sources.
- (3) On the commencement of this Plan, the share components of floodplain harvesting (unregulated river) access licences authorised to extract water from the water sources are estimated to be a total of 10,579 ML/year distributed as follows—
 - (a) 3,348 unit shares in the Gingham Watercourse Water Source,
 - (b) 493 unit shares in the Mehi River Water Source,
 - (c) 907 unit shares in the Slaughterhouse Creek Water Source,
 - (d) 5,831 unit shares in the Thalaba Creek Water Source,
 - (e) 0 unit shares in all other water sources.
- (4) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 0 ML/year.
- (5) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 52,014 unit shares distributed as follows—
 - (a) 35 unit shares in the Bakers Creek Water Source,
 - (b) 225 unit shares in the Boorolong Creek Water Source,
 - (c) 1,024 unit shares in the Copeton Dam Water Source,
 - (d) 324 unit shares in the Georges Creek Water Source,
 - (e) 1,421 unit shares in the Gil Gil Creek Water Source,
 - (f) 2,260 unit shares in the Gingham Watercourse Water Source,
 - (g) 82 unit shares in the Gwydir Water Source,
 - (h) 441 unit shares in the Halls Creek Water Source,
 - (i) 156 unit shares in the Keera Creek Water Source,
 - (j) 614 unit shares in the Laura Creek Water Source,
 - (k) 117 unit shares in the Mackenzies Flat Water Source,
 - (l) 16,038 unit shares in the Mehi River Water Source,
 - (m) 9,967 unit shares in the Millie Creek Water Source,
 - (n) 2,127 unit shares in the Moredun Creek Water Source,
 - (o) 2,778 unit shares in the Moree Water Source,
 - (p) 38 unit shares in the Mosquito Creek Water Source,
 - (q) 1,388 unit shares in the Myall Creek Water Source,
 - (r) 5,596 unit shares in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
 - (s) 28 unit shares in the Rocky River Water Source,
 - (t) 242 unit shares in the Roumalla Creek Water Source,
 - (u) 2,492 unit shares in the Thalaba Creek Water Source,
 - (v) 2,768 unit shares in the Tycannah Creek Water Source,
 - (w) 1,311 unit shares in the Upper Gwydir River Water Source,
 - (x) 542 unit shares in the Warialda Creek Water Source, and
 - (y) 0 unit shares in all other water sources.

Note— The total share components of access licences in the water sources may change during the term of this Plan as a result of—

- (a) the grant, surrender or cancellation of access licences in the water sources, or
- (b) the variation of local water utility licences under the Act, section 66, or
- (c) ongoing conversion of entitlements under the *Water Act 1912* to access licences under the Act, or
- (d) amendments to access licences under the Act, section 68A.

Part 4 Limits to the availability of water

Division 1 Available water determinations—the Act, s 20(2)(b)

16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
 - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
 - (b) for an access licence specifying the share component as a number of unit shares—1 ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination should be made—
 - (a) for domestic and stock access licences—100%,
 - (b) for local water utility access licences—100%,
 - (c) for unregulated river access licences—1ML/unit share,
 - (d) for floodplain harvesting (unregulated river) access licences—1ML/unit share.
- (3) This section is subject to section 25.

Note— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

Division 2 Extraction limits—the Act, s 20(1)(a) and s 20(1)(e)

Subdivision 1 Preliminary

17 Operation of Division—the Act, s 8

For the Act, section 8(1A)(b) and (2), this Division—

- (a) sets out environmental water rules, and
- (b) commits water as planned environmental water by reference to the long-term average annual commitment of water resulting from compliance with the long-term average annual extraction limit.

18 Definitions

In this Division—

5-year average extraction means the average of the annual extractions calculated for the most recent 5 consecutive water years for the water sources.

annual extraction means the estimated volume of water taken from the water sources for the water year—

- (a) under an access licence, or
- (b) in the exercise of basic landholder rights, or
- (c) for the purposes of plantation forestry, or
- (d) for the purposes of floodplain harvesting, other than under an access licence.

average annual extraction means the average volume of water taken each year calculated over a defined period.

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

LTAAEL means the long-term average annual extraction limit established by section 19.

numeric LTAAEL means an LTAAEL expressed as a number of megalitres or gigalitres.

plantation forestry means a commercial plantation, as defined in the Basin Plan.

reduced available water determination means available water determinations of a sum that is less than the amount specified in section 16(2) for the category of licence for which the determination is made.

SDL means the long-term average sustainable diversion limit established by section 22.

Subdivision 2 LTAAEL and SDL

19 Establishment of LTAAEL

- (1) The LTAAEL is the sum of the following within the water sources—
 - (a) an estimate of the average annual extraction under entitlements under the *Water Act 1912*, Part 2, between 1 July 1993 and 30 June 1999,
 - (b) an estimate of the annual water requirements for basic landholder rights in the water year at the commencement of—
 - (i) the *Water Sharing Plan for the Gwydir Unregulated River Water Sources 2012*,
 - (ii) the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*,
 - (c) the estimated annual take of water from the water sources by plantation forestry that existed on 30 June 2009,
 - (d) an estimate of the annual average extraction for the purposes of floodplain harvesting between 1 July 1993 and 30 June 1999.
- (2) By 31 December 2026, the Minister is to—
 - (a) determine a numeric LTAAEL, for the purpose of facilitating the assessment of compliance with the LTAAEL under section 21,
 - (b) in the course of determining a numeric LTAAEL, request the Natural Resources Commission to provide advice on the method used to establish the numeric LTAAEL, and
 - (c) publish that numeric LTAAEL.
- (3) Following the determination and publication of a numeric LTAAEL, the Minister may amend this Plan to replace the LTAAEL (as established under subsection (1)) with that numeric LTAAEL.
- (4) By year 5 of this Plan, the Minister is to review the numerical LTAAEL to determine whether that LTAAEL ensures a sustainable level of take (the **sustainable LTAAEL review**).
- (5) In carrying out the sustainable LTAAEL review, the Minister is to consider the following, among any other matters the Minister considers relevant —
 - (a) the protection of water source and their dependent ecosystems and species,
 - (b) the health of hydrologically connected water sources and their dependent ecosystems,

- (c) future climate projections, including likely bounds of climate change impact within the terms of this Plan,
 - (d) a precautionary and adaptive approach to how the limit is determined as climate projections change,
 - (e) cultural, social and economic outcomes.
- (6) The Minister is to request the Natural Resources Commission to provide advice on the sustainable LTAAEL review method during the review process, and to also review its findings.
- (7) By year 5 of this Plan, the Minister is to consider whether any amendments to this Plan should be made in light of the review described in the *Water Sharing Plan for the Gwydir Regulated Rivers Water Sharing Plan 2016*, section 65(4).
- (8) By 31 December 2031, unless, by 30 September 2031, the Minister and the Minister for the Environment agree on an extension of that date, the Minister may amend this Plan in the following circumstances—
 - (a) to give effect to the findings of the sustainable LTAAEL review, provided that, if the review of the *Basin Plan 2012* has been completed, the Minister has also considered the outcomes of the review of the *Basin Plan 2012* and any associated changes to the sustainable diversion limits,
 - (b) on the basis of the consideration of the review described in subsection (7), for the purpose of ensuring that the rules in the Plan consider and adapt to climate change.

Drafting note: Subsection (8) still under discussion.

Note— The LTAAEL is taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

20 Calculation of annual extraction

As soon as practicable after the end of a water year, the annual extraction for the water sources must be calculated.

21 Assessment of compliance with LTAAEL

- (1) As soon as practicable after the end of a water year, the 5-year average extraction for the water sources must be compared against the LTAAEL.
- (2) There is non-compliance with the LTAAEL if the 5-year average extraction exceeds the LTAAEL by 5% or more.

22 Establishment of SDL

- (1) The SDL for the water sources is the part of the long-term average sustainable diversion limit for the Gwydir SDL resource unit established by the Basin Plan that, in the Minister's opinion, applies to the water sources.
- (2) The SDL must be varied in accordance with an amendment made to the Basin Plan under the *Water Act 2007* of the Commonwealth, section 23B.

23 Calculation of annual permitted take and annual actual take

- (1) After the end of a water year, the annual permitted take and annual actual take of water for the water year must be calculated for the water sources in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2, is taken to be a reference to the water sources, and

- (b) a reference to the water accounting period in the Basin Plan, Chapter 6, Part 4, Division 2, is taken to be a reference to the water year.
- (3) In this section—
annual actual take and *annual permitted take* have the same meaning as they have in the Basin Plan, section 6.10.

24 Assessment of compliance with SDL

- (1) After the end of a water year, compliance with the SDL must be assessed using the method set out in the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the long-term annual diversion limit in the Basin Plan, Chapter 6, Part 4, Division 2, is taken to be a reference to the SDL for the water sources, and
 - (b) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2, is taken to be a reference to the water sources.
- (3) There is non-compliance with the SDL in the circumstances set out in the Basin Plan, Chapter 6, Part 4, Division 2.

25 Compliance with LTAAEL and SDL

- (1) This section applies if—
 - (a) there is non-compliance with the LTAAEL for the water sources, or
 - (b) there is non-compliance with the SDL for the water sources.
 - (2) In the water year occurring immediately after a non-compliance is assessed (the *next water year*), reduced available water determinations of less than 1 ML/unit share must be made for at least one or both of the following categories of access licence—
 - (a) an unregulated river access licence, and
 - (b) floodplain harvesting (unregulated river) access licence.
 - (3) Reduced available water determinations must be made to the extent necessary—
 - (a) for non-compliance with the LTAAEL—to return the 5-year average extraction to be calculated at the end of that water year to the LTAAEL, and
 - (b) otherwise—to ensure compliance with the SDL in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.
- Note**— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.
- (4) The Minister may also take one or more actions specified in this section if there would have been non-compliance with the SDL but for a reasonable excuse under the Basin Plan, Chapter 6, Part 4, Division 2, as a result of any action taken under section 6.12 (5) of the Basin Plan.

Part 5 Rules for granting and managing access licences—the Act, s 20(2)(b)

26 Specific purpose access licences

Note— A person may also apply for a specific purpose access licence in the circumstances where the regulations provide that an application for the licence may be made—the Act, section 61(1)(a).

- (1) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (2) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
 - (a) the share component of the licence is no more than 10 ML/year, and
 - (b) the licence is primarily for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
 - (i) drinking and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) traditional food production,
 - (viii) purposes to achieve environmental outcomes,
 - (ix) recreational, cultural and ceremonial purposes, and
 - (c) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.
- (3) In this section—

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

27 Management of access licences

- (1) This section applies to an access licence affected by a change to the boundary of a water source or water management area to which this Plan applies, whether the change is made on the commencement of this Plan or as an amendment to this Plan.
- (2) The Minister may amend the share component or extraction component, or both, of an access licence to which this section applies to change the following—
 - (a) the water management area or water source to which the share component of the licence relates,
 - (b) the management zones from which water may be taken in accordance with the extraction component of the licence.

Part 6 Operation of water allocation accounts and managing access licences

Division 1 Preliminary

28 Operation of Part—the Act, s 8

For the Act, section 8(1A)(a) and (c) and (2), this Part—

- (a) sets out environmental water rules, and
- (b) in Divisions 2–4—commits water as planned environmental water 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, and
- (c) in Divisions 3–4—commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

Division 2 Operation of water allocation accounts—the Act, s 21(c)

Note— The *Water Management (General) Regulation 2018*, section 17, also includes provisions regarding the debiting of water allocation accounts.

29 Water allocation account debiting

- (1) The volume of water debited from the water allocation account of a domestic and stock access licence, local water utility access licence, floodplain harvesting (unregulated river) access licence and unregulated river access licence must not be more than the relevant sum during a period of 3 consecutive water years.

- (2) In this section—

debited means taken, assigned under the Act, section 71T, or otherwise debited or withdrawn from a water allocation account.

relevant sum means the sum of the following—

- (a) the water allocations credited to the water allocation account from available water determinations made during those 3 water years,
 - (b) the water allocations assigned to the water allocation account under the Act, section 71T or 71V,
 - (c) the water allocations reccredited to the water allocation account under the Act, section 76.
- (3) The maximum water allocations that can be held in the water allocation account of a floodplain harvesting (unregulated river) access licence at any one time is 3 ML/unit share.

30 Carryover of water remaining in water allocation account

- (1) Water allocations remaining in the water allocation account must be carried over from one water year to the next water year, up to an amount equal to the following—
 - (a) for access licences with share components expressed as ML/year—100% of the share component,
 - (b) for unregulated river access licences—1 ML/unit share.
- (2) Water allocations remaining in a water allocation account for floodplain harvesting (unregulated river) access licences must be carried over from one water year to the next water year.

30A Rules for access licence holders intending to protect water from extraction

- (1) A licence holder may notify the Minister, in accordance with the Active Management Procedures Manual, of the licence holder's intent to have water that would otherwise be permitted to be taken under that access licence protected from extraction.
- (2) The water allocation account of an access licence referred to in subsection (1) is to be debited by an amount determined by the Minister, in accordance with the Active Management Procedures Manual.

Division 3 Flow classes

31 Flow classes for specified water sources and management zones—the Act, s 21(a)

- (1) This Plan establishes the flow classes set out in Schedule 1 for the water sources and management zones specified.
- (2) In Schedule 1, the flow class applies when the water source or management zone flow meets the flow specified under the flow class threshold for the water source or management zone as observed at the flow reference point specified.

32 Minister may determine flow classes in certain circumstances

- (1) If the Minister is satisfied accurate flow data is not available from a gauge used to determine a flow class, the Minister may determine the flow class.
- (2) The Minister may determine flow classes for the Very Low Flow Class and A Class in the Upper Gingham Watercourse Management Zone of the Gingham Watercourse Water Source that differ from those in Schedule 1, where necessary to protect Active Environmental Water and in accordance with the Active Management Procedures Manual.
- (3) If the Minister determines a flow class, the Minister must cause a notice to be published on the Department's website specifying the following—
 - (a) the flow class or flow class threshold determined by the Minister,
 - (b) the water source and management zone, if any, to which the flow class applies,
 - (c) the day on which the flow class applies.
- (4) In determining the flow class, the Minister may consider the following—
 - (a) evidence of past and current flows,
 - (b) readings at other functioning upstream and downstream gauges.
- (5) A flow class published in a notice under this section is taken to be a flow class established by this Plan.

Division 4 Access rules for take of surface water—the Act, s 20(1)(a) and s 21(a)

Note— Discretionary conditions may also be imposed under sections 66(1)(b) and 100(1)(b) of the Act, in addition to mandatory conditions which are required to be imposed by the access rules in this Division.

33 General

- (1) Surface water must not be taken if there is no visible flow at the location from which the water would be taken, except from the following locations—
 - (a) an in-river pool,
 - (b) an off-river pool,
 - (c) an in-river dam pool.
- (2) Surface water must not be taken from—

- (a) an in-river pool that is below full capacity, or
- (b) an off-river pool that is below full capacity, or
- (c) an in-river dam pool unless the take is not inconsistent with a water supply work approval authorising the use of a water supply work for the purpose of taking water from the in-river dam pool.

34 Specific access rules

- (1) Surface water must not be taken from the following water sources or management zones if flows are in the Very Low Flow Class—
 - (a) Copes Creek Management Zone,
 - (b) Gwydir Water Source,
 - (c) Halls Creek Management Zone,
 - (d) Lower Gingham Watercourse Management Zone,
 - (e) Lower Horton Management Zone,
 - (f) Myall Creek Water Source, and
 - (g) Upper Gingham Watercourse Management Zone.
- (2) Surface water must not be taken under an unregulated river access licence in the following water sources or with an extraction component specifying the following management zones unless flows are in the A Class—
 - (a) Copes Creek Management Zone,
 - (b) Gwydir Water Source,
 - (c) Halls Creek Management Zone,
 - (d) Lower Gingham Watercourse Management Zone,
 - (e) Lower Horton Management Zone,
 - (f) Myall Creek Water Source, and
 - (g) Upper Gingham Watercourse Management Zone.
- (3) Surface water must not be taken under an access licence with a share component that specifies the Thalaba Creek Water Source from replenishment flows made under section 66 of the *Water Sharing Plan for the Gwydir Regulated River Water Sources 2016*, as notified by Water NSW.
- (4) Surface water must not be taken under an access licence with a share component that specifies the Mehi River Water Source from replenishment flows released into the Mongyer Lagoon made under section 67 of the *Water Sharing Plan for the Gwydir Regulated River Water Sources 2016*, as notified by Water NSW.
- (5) Surface water must not be taken under the following access licences when there is no visible flow at the Rock Bar connection between Warrabinda Pond and Taylors Pond—
 - (a) 31231,
 - (b) 31273,
 - (c) 31274, and
 - (d) 31275.
- (6) Surface water must not be taken under an access licence specified in Schedule 3 in contravention of the specified cease-to-take condition.

- (7) Surface water must not be taken from an in-river dam pool under a replacement access licence in the following circumstances —
 - (a) the in-river dam pool was created by a structure authorised by a water supply work approval,
 - (b) flows or storage levels of the in-river dam pool are at or less than the flows or storage levels at which water could not be taken under the entitlement from which the replacement access licence arose.
- (8) Surface water must not be taken from an in-river dam pool to which a replacement approval applies unless the in-river dam pool is passing—
 - (a) the flows that were specified in the entitlement from which the replacement approval arose, or
 - (b) if no such flows were specified, such flows as are determined by the Minister.
- (9) In this section—
entitlement, replacement access licence and ***replacement approval*** have the same meaning as in the Act, Schedule 10.

34A Additional access rules to protect Active Environmental Water

- (1) This section applies to unregulated river access licences with an extraction component specifying the following management zones—
 - (a) Lower Gingham Watercourse Management Zone,
 - (b) Mallowa Creek Management Zone, and
 - (c) Upper Gingham Watercourse Management Zone
- (2) The Minister may announce that for a specified period water must not be taken under a specified access licence from a management zone listed in subsection (1) if the Minister has determined, in accordance with the Active Management Procedures Manual, that there is the following present in the management zone—
 - (a) planned environmental water resulting from the access rules specified in sections 31 and 34 and Active Environmental Water, or
 - (b) Active Environmental Water.
- (3) If the Minister has not made an announcement under subsection (2) the Minister may, in order to protect Active Environmental Water from extraction, in accordance with the Active Management Procedures Manual, announce a maximum amount of water permitted to be taken under a specified access licence from a management zone listed in subsection (1) for a specified period.
- (4) Water must not be taken under a licence in excess of the amount announced by the Minister under subsection (3).

34B Active Management Procedures Manual

The Minister must prepare and publish on the Department's website an Active Management Procedures Manual that includes but is not limited to the following—

- (a) how to identify and determine Active Environmental Water on any given day,
- (b) the requirements for access licence holders intending to protect water from extraction to notify the Minister under section 30A,
- (c) how to assess a notification and determine the amount to be debited from access licence water allocation accounts under section 30A,

- (d) how to determine and announce any adjustments to flows under sections 32 and 34A,
- (e) how to determine and announce the presence of planned environmental water and Active Environmental Water under section 34A,
- (f) how to announce the water permitted to be taken under an access licence under section 34A,
- (g) any other matter the Minister considers relevant.

35 Exceptions

- (1) Section 33(2)(a) and (b) do not apply to the take of surface water from an in-river pool or off-river pool subject to a cease-to-take condition that permits the taking of water when the pool is below full capacity.
- (2) Sections 33 and 34 do not apply to the take of surface water in the following circumstances—
 - (a) for the following purposes under an access licence specified in Schedule 2, Table A, if no more than 20 kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1 kl/day for each household supplied by the access licence is taken,
 - (c) from a runoff harvesting dam or an in-river dam pool,
 - (d) under an access licence specified in Schedule 2, Table B,
 - (e) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
 - (i) the licence holder complies with the water management plans, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister's opinion, the licence holder is not reasonably capable of complying with the access rule concerned,
 - (f) the taking of water under a floodplain harvesting (unregulated river) access licence.
- (3) Section 34(1) does not apply to the take of surface water in the following circumstances—
 - (a) from an off-river pool in a water source or management zone to which that section applies,
 - (b) from an in-river dam pool formed by an in-river dam that is referred to in a water supply work approval.

Part 7 Construction and use of water supply works—the Act, s 21(b)

Note— An approval must not be granted in contravention of this Part—see the Act, section 95(3). An application to amend an approval relating to additional uses, works, activities or land must be assessed and determined in the same way as an application for a new approval, but only in relation to the additional uses, works, activities or land—see the Act, section 107(5). This does not affect works that can be constructed pursuant to a basic landholder right.

36 Application of Part

- (1) In this Part, a reference to a water supply work located within a specified distance includes a reference to a water supply work proposed to be located within a specified distance.

- (2) In this Part—

replacement water supply work means a water supply work that—

- (a) replaces an existing water supply work authorised by a water supply work approval (the **replaced water supply work**), and
- (b) is constructed and used to extract water from the same water source as the replaced water supply work, and
- (c) is, in the Minister's opinion, the same size or smaller than the replaced water supply work, and
- (d) is located within 20m of the replaced water supply work, or
- (e) is not located within 20m of the replaced water supply work and, in the Minister's opinion, the water supply work is not likely to—
 - (i) result in a greater adverse impact than the replaced water supply work on the water source or public health and safety, or
 - (ii) adversely affect the ability of another person to take water using an existing water supply work.

37 In-river dams

- (1) An in-river dam on a third or higher order stream must not be constructed within the following water sources—
- (a) the Georges Creek Water Source,
 - (b) the Gil Gil Creek Water Source,
 - (c) the Gingham Watercourse Water Source,
 - (d) the Gwydir Water Source,
 - (e) the Halls Creek Water Source,
 - (f) the Laura Creek Water Source,
 - (g) the Moredun Creek Water Source,
 - (h) the Moree Water Source,
 - (i) the Myall Creek Water Source,
 - (j) the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
 - (k) the Rocky River Water Source,
 - (l) the Thalaba Creek Water Source,

- (m) the Tycannah Creek Water Source, and
- (n) the Upper Gwydir River Water Source.
- (2) This section does not apply to—
 - (a) a water supply work that replaces an existing water supply work where—
 - (i) the existing water supply work is authorised by a water supply work approval, and
 - (ii) the replacement water supply work is to be constructed to impound water from the same water source and the same location as the existing water supply work,
 - (b) a water supply work to be used for town water supply purposes.

38 Wetlands

- (1) A water supply work must not be constructed within the following areas unless, in the Minister's opinion, there will be no more than minimal harm to the wetland concerned—
 - (a) within, or within 3km upstream of, a declared Ramsar wetland,
 - (b) within a WSP prescribed wetland.
- (2) Subsection (1) does not apply to a replacement water supply work.

38A Additional prohibitions on construction of certain water supply works

- (1) A water supply work must not be constructed within a WSP prescribed wetland from prior WSP.
- (2) Subsection (1) does not apply to a replacement water supply work.
- (3) A water supply work must not be constructed if the water supply work is—
 - (a) nominated on a floodplain harvesting (unregulated river) access licence, and
 - (b) is located within the located within the Gwydir Management Zone A or Gwydir Management Zone D, as established in the *Floodplain Management Plan for the Gwydir Valley Floodplain 2016*.

38B Additional prohibitions on grant or amendment of floodplain harvesting supply work approvals

- (1) A water supply work approval must not be amended to add a work to which the approval relates if—
 - (a) the water supply works currently subject to the approval are nominated by a floodplain harvesting (unregulated river) access licence, and
 - (b) the water supply work proposed to be added is not located on the Gwydir Valley Floodplain, as declared under section 252 of the *Water Management (General) Regulation 2018*.
- (2) A water supply work approval must not be amended to add a work to which the approval relates if—
 - (a) the water supply works currently subject to the approval are nominated by a floodplain harvesting (unregulated river) access licence, and
 - (b) the water supply work proposed to be added is located within Gwydir Management Zone A or Gwydir Management Zone D (as established under section 5 of the *Floodplain Management Plan for the Gwydir Valley Floodplain 2016*).

- (3) A water supply work approval must not be amended if all of the following apply—
 - (a) the water supply works currently subject to the approval are nominated by a floodplain harvesting (unregulated river) access licence,
 - (b) amending the water supply work approval would increase the capability of water supply works subject to the approval to take water within Gwydir Management Zone A or Gwydir Management Zone D (as established under section 5 of the *Floodplain Management Plan for the Gwydir Valley Floodplain 2016*), and
 - (c) the increase in capability is not a result of adding a water supply work that is or was previously nominated by that floodplain harvesting (unregulated river) access licence.
- (4) Subsections (1), (2) and (3) do not apply if all of the following apply—
 - (a) the applicant was determined to be eligible for a replacement floodplain harvesting licence under Division 1 of Part 2A of the *Water Management (General) Regulation 2018*,
 - (b) the work was constructed on or before 12 February 2021, but was not the subject of a water supply work approval prior to that date,
 - (c) if the work is also a flood work, the work is subject to a flood work approval, and
 - (d) the work is the subject of an application for the grant or amendment of a water supply work approval which was made prior to 31 December 2022.

Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Note— The access licence dealing principles established by the *Access Licence Dealing Principles Order 2004* prevail over the access licence dealing rules in this Part to the extent of an inconsistency.

39 Conversion of access licence to new category dealings

A dealing under the Act, section 71O, is prohibited.

40 Assignment of rights dealings

- (1) The following assignments of rights under the Act, section 71Q, in the same water source are prohibited—
 - (a) an assignment to or from an access licence in the following water sources—
 - (i) Carole Creek Water Source, and
 - (ii) Slaughterhouse Water Source,
 - (b) an assignment to an access licence which nominates a water supply work located in a trading zone in the Copeton Dam Water Source from an access licence which nominates a water supply work located in a different trading zone in the Copeton Dam Water Source,
 - (c) an assignment to an access licence which nominates a water supply work located in a trading zone in the Mehi River Water Source from an access licence which nominates a water supply work located in a different trading zone in the Mehi River Water Source,
 - (d) an assignment to an access licence which nominates a water supply work located in a trading zone in the Moredun Creek Water Source from an access licence which nominates a water supply work located in a different trading zone in the Moredun Creek Water Source,
 - (e) an assignment to an access licence with an extraction component that specifies a management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source from an access licence with an extraction component that specifies a different management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
 - (f) an assignment to an access licence which nominates a water supply work located in the Upper Gwydir River Tributaries Trading Zone in the Upper Gwydir River Water Source from an access licence which nominates a water supply work located in the Upper Gwydir River Trading Zone in the Upper Gwydir River Water Source,
 - (g) an assignment to a floodplain harvesting (unregulated river) access licence that nominates a water supply work located—
 - (i) outside the Gwydir Valley Floodplain, as declared under the *Water Management (General) Regulation 2018*, section 252, or
 - (ii) within the Gwydir Management Zone A or the Gwydir Management Zone D, as established under the *Floodplain Management Plan for the Gwydir 2016*, section 5.
- (2) Assignments of rights under the Act, section 71Q, between water sources in the same water management area are prohibited, except for—

- (a) an assignment to an access licence in the Boorolong Creek Water Source, if the assignment would not cause the sum of share components in the water source to exceed 266ML/year,
 - (b) an assignment to an access licence in the Mackenzies Flat Water Source, if the assignment would not cause the sum of share components in the water source to exceed 135ML/year,
 - (c) an assignment to an access licence in the Mosquito Creek Water Source, if the assignment would not cause the sum of share components in the water source to exceed 48ML/year.
- (3) An assignment of rights under the Act, section 71Q, is prohibited if it is an assignment to an access licence that nominates a water supply work—
 - (a) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (b) within a WSP prescribed wetland,unless the assignment is from an access licence that nominates a water supply work—
 - (c) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (d) within the same WSP prescribed wetland.

41 Amendment of share component dealings—change of water source

- (1) A dealing under the Act, section 71R, is prohibited, except for the following dealings—
 - (a) the cancellation of an access licence to grant an access licence in the Boorolong Creek Water Source, if the dealing would not cause the sum of share components in the water source to exceed 266ML/year,
 - (b) the cancellation of an access licence to grant an access licence in the Mackenzies Flat Water Source, if the dealing would not cause the sum of share components in the water source to exceed 135ML/year,
 - (c) the cancellation of an access licence to grant an access licence in the Mosquito Creek Water Source, if the dealing would not cause the sum of share components in the water source to exceed 48ML/year.

42 Amendment of extraction component dealings

The following dealings under the Act, section 71S(1)(b), are prohibited—

- (e) the extraction component of an access licence that specifies an area or location in a trading zone in the Copeton Dam Water Source being amended to specify an area or location in a different trading zone in the Copeton Dam Water Source as an area or location from which water may be taken under the licence,
- (f) the extraction component of an access licence that specifies an area or location in a trading zone in the Mehi River Water Source being amended to specify an area or location in a different trading zone in the Mehi River Water Source as an area or location from which water may be taken under the licence,
- (g) the extraction component of an access licence that specifies an area or location in a trading zone in the Moredun Creek Water Source being amended to specify an area or location in a different trading zone in the Moredun Creek Water Source as an area or location from which water may be taken under the licence,
- (h) the extraction component of an access licence that specifies a management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source being amended to specify a different management zone in the Rocky Creek, Cobbadah,

Upper Horton and Lower Horton Water Source as an area or location from which water may be taken under the licence,

- (i) the extraction component of an access licence that specifies an area or location in the Upper Gwydir River Trading Zone in the Upper Gwydir River Water Source being amended to specify an area or location in the Upper Gwydir River Tributaries Trading Zone in the Upper Gwydir River Water Source as an area or location from which water may be taken under the licence,
- (j) the extraction component of an access licence being amended to specify an area or location being within, or within 3km upstream of, a declared Ramsar wetland as an area or location from which water may be taken under the licence, unless the extraction component of the access licence currently specifies an area or location being within, or within 3km upstream of, the same declared Ramsar wetland,
- (k) the extraction component of an access licence being amended to specify an area or location being within a WSP prescribed wetland as an area or location from which water may be taken under the licence, unless the extraction component of the access licence currently specifies an area or location being within the same WSP prescribed wetland.

Note— The *Access Licence Dealing Principles Order 2004*, section 16, regulates dealings under the Act, section 71S(1)(a).

43 Assignment of water allocations dealings

- (1) The following assignments of water allocations under the Act, section 71T, in the same water source are prohibited—
 - (a) an assignment to an access licence in the following water sources—
 - (i) Carole Creek Water Source, and
 - (ii) Slaughterhouse Water Source,
 - (b) an assignment to an access licence which nominates a water supply work in a trading zone in the Copeton Dam Water Source from an access licence which nominates a water supply work in a different trading zone in the Copeton Dam Water Source,
 - (c) an assignment to an access licence which nominates a water supply work in a trading zone in the Mehi River Water Source from an access licence which nominates a water supply work in a different trading zone in the Mehi River Water Source,
 - (d) an assignment to an access licence which nominates a water supply work in a trading zone in the Moredun Creek Water Source from an access licence which nominates a water supply work in a different trading zone in the Moredun Creek Water Source,
 - (e) an assignment to an access licence with an extraction component that specifies a management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source from an access licence with an extraction component that specifies a different management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
 - (f) an assignment to an access licence which nominates a water supply work in the Upper Gwydir River Tributaries Trading Zone in the Upper Gwydir River Water Source from an access licence which nominates a water supply work in the Upper Gwydir River Trading Zone in the Upper Gwydir River Water Source,

- (g) an assignment to or from a floodplain harvesting (unregulated river) access licence.
- (2) Assignments under the Act, section 71T, between different water sources are prohibited, except for—
 - (a) an assignment to an access licence in the Boorolong Creek Water Source, if the assignment would not cause the sum of water allocations in the water source to exceed 266ML/year,
 - (b) an assignment to an access licence in the Mackenzies Flat Water Source, if the assignment would not cause the sum of water allocations in the water source to exceed 135ML/year,
 - (c) an assignment to an access licence in the Mosquito Creek Water Source, if the assignment would not cause the sum of water allocations in the water source to exceed 48ML/year.
- (3) An assignment to an access licence that nominates a water supply work—
 - (a) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (b) within a WSP prescribed wetland,unless the assignment is from an access licence that nominates a water supply work—
 - (c) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (d) within the same WSP prescribed wetland,

44 Interstate access licence transfer dealings

Dealings under the Act, section 71U, are prohibited.

45 Interstate assignment of water allocations dealings

Dealings under the Act, section 71V, are prohibited.

46 Nominations of water supply works dealings

The following dealings under the Act, section 71W, are prohibited—

- (a) an access licence being amended to nominate a water supply work located in one of the following water sources—
 - (i) Carole Creek Water Source, and
 - (ii) Slaughterhouse Water Source,
- (b) an access licence which nominates a water supply work located in a trading zone in the Copeton Dam Water Source being amended to nominate a water supply work located in a different trading zone in the Copeton Dam Water Source,
- (c) an access licence which nominates a water supply work located in a trading zone in the Mehi River Water Source being amended to nominate a water supply work located in a different trading zone in the Mehi River Water Source,
- (d) an access licence which nominates a water supply work located in a trading zone in the Moredun Creek Water Source being amended to nominate a water supply work located in a different trading zone in the Moredun Creek Water Source,
- (e) an access licence which nominates a water supply work located in the Upper Gwydir River Trading Zone in the Upper Gwydir River Water Source being amended to nominate a water supply work located in the Upper Gwydir River Tributaries Trading Zone in the Upper Gwydir River Water Source,

- (f) an access licence being amended to nominate a water supply work located in a water source to which this Plan does not apply,
- (g) an access licence being amended to nominate a water supply work located in a different management zone than the management zone specified in the extraction component of the access licence,
- (h) an access licence being amended to nominate a water supply work located in a different water source than the water source specified in the share component of the access licence,
- (i) an access licence being amended to nominate a water supply work—
 - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a WSP prescribed wetland,unless the access licence being amended nominates a water supply work—
 - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (iv) within the WSP prescribed wetland,and, in the Minister's opinion there will be no more than minimal harm to the wetland concerned.
- (j) a floodplain harvesting (unregulated river) access licence being amended to nominate a water supply work located—
 - (i) outside the Gwydir Valley Floodplain, as declared under the *Water Management (General) Regulation 2018*, section 252, or
 - (ii) within the Gwydir Management Zone A or the Gwydir Management Zone D, as established under the *Floodplain Management Plan for the Gwydir 2016*, section 5.

Note—The *Access Licence Dealing Principles Order 2004*, section 20, and the *Water Management (General) Regulation 2018*, section 12, regulate dealings under the Act, section 71W, including with respect to amending an access licence to nominate works in another water source or location.

Part 9 Mandatory conditions—the Act, s 17(c)

Division 1 General

47 Definitions

In this Part—

Logbook means a written record kept in hard copy or electronic form.

water account debit means a water allocation that is taken, assigned under the Act, section 71T or 71V, or otherwise debited or withdrawn from a water allocation account.

Division 2 Access licences

48 General conditions

Each access licence must be subject to the following mandatory conditions—

- (a) the water taken under an access licence must not be more than the maximum water account debit permitted under section 29,
- (b) the relevant access rules for the taking of water specified in Part 6, Division 4,
- (c) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (d) before water is taken under an access licence, the licence holder must confirm a cease-to-take condition does not apply,
- (e) other conditions required to implement the provisions of this Plan, including a condition requiring compliance with section 49.

49 Record-keeping conditions

- (1) The licence holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.
- (2) Each floodplain harvesting (unregulated river) access licence must have a mandatory condition requiring that the licence holder only take water from overland flow within the Gwydir Valley Floodplain, as declared under section 252 of the *Water Management (General) Regulation 2018*.

Editorial Note—overland flow is defined under the Act, section 4A.

Division 3 Water supply work approvals

50 General conditions

Each water supply work approval must be subject to the following mandatory conditions—

- (a) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (b) if the water supply work is approved for the purpose of monitoring, an environmental remediation activity or emergency services—the work must be used only for that purpose,
- (c) before a water supply work is used to take water, the approval holder must confirm a cease-to-take condition does not apply,

- (d) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with section 51.

51 Record-keeping conditions

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) The approval holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

Part 10 Amendment of this Plan—the Act, s 17(d)

52 Amendments

- (1) This Plan may be amended as follows—
- (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
 - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
 - (c) to add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools,
 - (d) to add or modify flow classes, flow reference points and surface water access rules in response to changes in water availability by amending Part 6, Divisions 2–4 and Schedule 1,
 - (e) to add or modify access rules for unregulated river access licences so as to protect Active Environmental Water from extraction,
 - (f) to add or modify provisions relating to the following—
 - (i) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (ii) the management of aquifer interference activities, including the granting of aquifer interference approvals,
 - (iii) stormwater harvesting,
 - (iv) total daily extraction limits,
 - (v) individual daily extraction components,
 - (vi) floodplain harvesting (unregulated river) access licences,
 - (g) to protect water-dependent Aboriginal cultural assets, including as follows—
 - (i) by identifying water-dependent Aboriginal cultural assets,
 - (ii) by establishing new flow classes or access rules,
 - (iii) by restricting the construction and use of water supply works,
 - (iv) by establishing new access licence dealing rules,
 - (h) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (i) to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for the water sources and the Gwydir Regulated River Water Source,
 - (j) by 2026, the Minister is to review the rules for the following water sources and consider the flows required to support connectivity to northern basin major tributaries and flows required to protect the water source and its dependent ecosystems across a range of flow conditions, including base and fresh flows—
 - (i) Carole Creek Water Source,
 - (ii) Gil Gil Creek Water Source,
 - (iii) Mehi River Water Source,

- (iv) Millie Creek Water Source, and
- (v) Thalaba Creek Water Source,

The Minister may amend this Plan based on that review,

- (k) after year 5 of this Plan, to add, modify or remove access rules for the following water sources or management zones, for the purpose of improving protection of water dependent ecosystems and connectivity between water sources—
 - (i) Copeton Dam Water Source,
 - (ii) Moredun Creek Water Source,
 - (iii) Moree Water Source,
 - (iv) Tycannah Creek Water Source,
 - (v) Upper Horton Management Zone,

Any such amendment will be informed by a review of those access rules that was completed in the first 5 years of the Plan. In carrying out this review, the Minister is to consider the following, among any other matters the Minister considers relevant—

- (vi) new information on gauge suitability or methods for managing extraction,
 - (vii) water requirements of relevant species,
 - (viii) water usage data (where available), and
 - (ix) associated cultural, social and economic implications of any changes to access rules,
- (l) to add or amend rules to facilitate active management to share flows, including requiring the taking of water to be carried out in accordance with Ministerial notices or announcements or to require access licence holders to express interest in accessing their entitlement during an event,
 - (m) to make amendments relating to floodplain harvesting (unregulated river) access licences in response to the need to protect overbank flow for environmental purposes,
 - (n) to add, modify or remove a definition,
 - (o) to modify Schedule 2 or 3 to add or remove an access licence,
 - (p) to make amendments consequential on an amendment to the Act or regulations.
- (2) Any amendment under section 52(1)(g) must take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
 - (3) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

Schedule 1 Flow classes

section 31

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Copeton Dam Water Source	Copes Creek Management Zone	Very Low Flow Class A Class	Less than or equal to 1 ML/day More than 1 ML/day	Copes Creek at Kimberly gauge (418005)
Gingham Watercourse Water Source	Upper Gingham Watercourse Management Zone	Very Low Flow Class A Class	Less than or equal to 250 ML/day More than 250 ML/day	Gingham channel at Tillaloo bridge gauge (418076)
	Lower Gingham Watercourse Management Zone	Very Low Flow Class	Less than 175 ML/day at the Gingham Bridge gauge (418079) at any time, or Less than 4000 ML/year at the Gingham Bridge gauge (418079) within the previous 12 months, or No visible flow in the Gingham Watercourse at Morialta Road.	Gingham channel at Gingham Bridge gauge (418079) and Gingham Watercourse at Morialta Road
		A Class	Equal to or more than 175 ML/day at the Gingham Bridge gauge (418079) at any time, or Equal to or more than a total of 4000 ML/year at the Gingham Bridge gauge over the previous 12 months, or A visible flow in the Gingham Watercourse at Morialta Road.	
Gwydir Water Source		Very Low Flow Class A Class	Less than or equal to 250 ML/day More than 250 ML/day	Gwydir River at Millewa gauge (418066)
Halls Creek Water Source	Halls Creek Management	Very Low Flow Class	Less than or equal to 2 ML/day	Halls Creek at Bingara gauge

	Zone	A Class	More than 2 ML/day	(418025) in the South East Corner of TSR 29609, Parish of Bingara
Myall Creek Water Source		Very Low Flow Class	Less than or equal to 1 ML/day	Myall Creek at Molroy gauge (418017)
		A Class		
Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source	Lower Horton Management Zone	Very Low Flow Class	Less than or equal to 5 ML/day	Horton River at Rider gauge (418015)
		A Class	More than 5 ML/day	

Schedule 2 Access licences exempt from specified access rules

section 35(2)(a) and (d)

Table A—Access licences used to take surface water other than for town water supply purposes

Access Licence	Management Zone	Water Source
7238	Lower Horton	Rocky Creek, Cobbadah, Upper Horton and Lower Horton
31291	N/A	Myall Creek
31312	N/A	Rocky River
31317	N/A	Rocky River
36162	Upper Horton	Rocky Creek, Cobbadah, Upper Horton and Lower Horton

Table B—Local water utility access licences and access licences of subcategory ‘town water supply’

Access Licence	Management Zone	Water Source
31200	N/A	Gil Gil Creek
31272	N/A	Moredun Creek
35566	N/A	Rocky River

Schedule 3 Access licences and approvals subject to specified cease-to-take condition

section 34(6)

Table A—unregulated river access licences, section 34(6)

Column 1 Access licence	Column 2 Water source	Column 3 Condition
31324	Roumalla Creek	Water must not be taken under an access licence when the water level in the Gwydir River at the pump site located on Lot 1, DP 195429, Parish of Darbysleigh and County of Hardinge and authorised by the water supply work approval that replaced licence 90SL019920 (Bundarra Water Supply), is more than 2.27 metres below the bench mark established on the top of the pump well at the site. Details of the benchmark are retained in the Moree office of the Department.
31325	Roumalla Creek	Water must not be taken under an access licence when - (a) there is no visible flow in the Roumalla Creek over the rock bar situated immediately downstream of the pump site on Lot 16, DP 753641, Parish of Baldwin, County of Hardinge, or (b) when there is no visible flow in Roumalla Creek over the sand bar at the confluence of Ponds Creek (known locally as Sandy Creek) on Lot 40, DP 753641, Parish of Bladwin, County of Hardinge

Table B – section 34(6)

Column 1 Access licence	Column 2 Water Source	Column 3 Condition
31180	Copeton Dam Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Sandy Creek at the bridge crossing on the eastern side of Lot 1 DP 738271, Parish of Tinga, County of Hardinge, on the Bundarra-Inverell Road.
31186	Copeton Dam Water Source	The authorised work on Sandy Creek shall not be used for the purpose of irrigation unless there is a visible flow below the waterhole at the site of the authorised works.
31189	Copeton Dam Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Sandy Creek at the bridge crossing on the eastern side of Lot 1 DP 738271, Parish of Tinga, County of Hardinge, on the Bundarra-Inverell Road.
31191	Copeton Dam Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Auburn Vale creek at the Inverell-Copeton-Bingara Road crossing adjacent to Lot 2 DP 456761, Parish of Auburn Vale, County of Hardinge.
31194	Copeton Dam Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Fergusons Creek within the next riffle section downstream of the extraction site.
31230	Georges Creek Water Source	The pump shall not be used for the purpose of irrigation from the Gwydir River unless a visible flow is maintained in the Gwydir River at the low level emu bridge on the Thunderbolts Way, immediately upstream of Bundarra
90SL100012	Gurley Creek Water Source	Water shall not be abstracted from Gurley Creek by means of the pumps referred to in this license when the level of the water in the said creek at the crossing of the Narrabri-Moree stock route in c.r. 8723, Parish of Burranbah, County of Courallie is lower than 1.52 metres below the level of a benchmark established on a gum tree on the left bank of the watercourse near the

		said crossing.
31227	Keera Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Macintyre Creek at a point approximately 31 meters downstream of the common boundary between Lot 1 DP 578782 and Lot 56 DP 754821, Parish of Capel, County of Murchison.
31225	Keera Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Macintyre Creek at a point approximately 31 meters downstream of the common boundary between Lot 1 DP 578782 and Lot 56 DP 754821, Parish of Capel, County of Murchison.
31229	Laura Creek Water Source	The pump shall not be used for the purpose of irrigation unless a visible flow is maintained in the Gwydir River at the low level emu bridge on the Thunderbolts Way immediately upstream of Bundarra. The visible flow shall be equal to the extraction rate of the installed pump up to the authorised capacity.
31233	Laura Creek Water Source	The pump shall not be used for the purpose of irrigation unless a visible flow is maintained in the Gwydir River at the low level emu bridge on the Thunderbolts Way immediately upstream of Bundarra. The visible flow shall be equal to the extraction rate of the installed pump up to the authorised capacity.
31237	Mehi River Water Source	The authorised work must only be used for irrigation or water conservation if: <ul style="list-style-type: none"> (a) The relevant licensor announces that surplus flow and off- allocation conditions exist downstream of the Gundare Regulator, and (b) The approval holder applies in writing to the relevant licensor, Moree office, for permission to use the work during the limited (c) The relevant licensor grants permission in writing for the approval holder to use the work during the limited period, and (d) The work is operated for the period in accordance with the permission, and (e) The discharge at the Mallowa Creek offtake regulator exceeds 400 ML/day (which means that the discharge corresponds to a gauge reading of 171.40 meters, and (f) there is a visible flow in Mallowa Creek where it crosses the western boundary of Lot 17 DP 750454, Parish of Currotha, County of Benarba.
31238	Mehi River Water Source	The authorised work shall not be used for the purpose of irrigation unless the alma gauge on Moomin Creek is above 2 metres and a flow emanating from the upstream Wolongimba Creek catchment is responsible for the reading above 2 metres on the said gauge.
31239	Mehi River Water Source	The authorised work shall not be used when the level of water in Mongyer Lagoon falls below R.L. 158.5 Australian Height Datum.
31242	Mehi River Water Source	The authorised work shall not be used when the level of water in Mongyer Lagoon falls below R.L. 158.5 Australian Height Datum.
31245	Mehi River Water Source	The authorised work shall not be used when the level of water in Mongyer Lagoon falls below R.L. 158.5 Australian Height Datum.
31247	Mehi River Water Source	The authorised work shall not be used when the level of water in Mongyer Lagoon falls below R.L. 158.5 Australian Height Datum.
31248	Mehi River Water Source	The authorised work must only be used for irrigation or water conservation if: <ul style="list-style-type: none"> (a) The relevant licensor announces that surplus flow and off- allocation conditions exist downstream of

		<p>the Gundare Regulator, and</p> <p>(b) The approval holder applies in writing to the relevant licensor, Moree office, for permission to use the work during the limited</p> <p>(c) The relevant licensor grants permission in writing for the approval holder to use the work during the limited period, and</p> <p>(d) The work is operated for the period in accordance with the permission, and</p> <p>(e) The discharge at the Mallowa Creek offtake regulator exceeds 400 ML/day (which means that the discharge corresponds to a gauge reading of 171.40 meters, and</p> <p>(f) There is a visible flow in Mallowa Creek where it crosses the western boundary of Lot 17 DP 750454, Parish of Currotha, County of Benarba.</p>	
31252	Mehi River Water Source	<p>The authorised work must only be used for irrigation or water conservation for irrigation if:</p> <p>(a) The relevant licensor announces that surplus flow and off- allocation conditions exist downstream of the Gundare Regulator, and</p> <p>(b) The approval holder applies in writing to the relevant licensor, Moree office, for permission to use the work during the limited period, and</p> <p>(c) The relevant licensor grants permission in writing for the approval holder to use the work during the limited period, and</p> <p>(d) The work is operated for the period in accordance with the permission, and</p> <p>(e) The discharge at the Mallowa Creek offtake regulator exceeds 400 ML/day, which means that the discharge corresponds to a gauge reading of 171.40 meters, and</p> <p>(f) There is a visible flow in Mallowa Creek where it crosses the western boundary of Lot 17 DP 750454, Parish of Currotha, County of Benarba.</p>	7
31335	Mehi River Water Source	<p>The authorised work shall not be used for the purpose of irrigation unless the Alma gauge on Moomin Creek is above 2 metres and a flow emanating from the upstream Wolongimba Creek catchment is responsible for the reading above 2 metres on the said gauge.</p>	
90WA828138	Mehi River Water Source	<p>A. the crest level of the bywash of dam one, the location of which is shown on the plan retained in the office of the relevant licensor, must not be lower than 1.12 m below the level of the benchmark established on a nail in a strainer post on the left bank of the watercourse near the dam.</p> <p>B. a pipe with a minimum diameter of 500 mm fitted with a stop valve or other control device must be constructed through the dam. the level of the pipe must be fixed at or near the bed level of the creek.</p> <p>C. when there are natural flows in Tarran Creek entering Boonaldoon the pipe referred to in (B) must be operated to maintain an equivalent flow downstream of the dam, provided that the pipe may be closed when any of the following flow conditions exist:</p> <p>i. Tarran Creek flows have ceased at the "Keytah-Boonaldoon" boundary, or</p> <p>ii. Tarran Creek flows have reached a level of 0.5 m at the Gundare Road crossing, or</p> <p>iii. surplus flows in the Mehi River, via Browns Creek, have caused Tarran Creek to reach a level of 0.5 m at the Gundare Road crossing.</p>	9
90WA828138	Mehi River Water Source	<p>The level of the crest of the bywash of the dam shown as number 1 on a plan, particulars of which are retained in the office of the relevant licensor shall be fixed at not lower than 1.12 metres below the level of the bench</p>	1

		mark established on a nail in a strainer post on the left bank of the watercourse near the work.	
90WA828138	Mehi River Water Source	A pipe with a diameter of not less than 500mm fitted with a stop valve or other control device shall be constructed through the dam referred to in condition (1) to the satisfaction of the relevant licensor. The level of the said pipe shall be fixed at or near the bed level of the creek.	2
90WA828138	Mehi River Water Source	The level of the crest of the bywash of the dam shown as number 2 on a plan, particulars of which are retained in the office of the relevant licensor shall be fixed at not higher than 2.90 metres above the bed level of the creek.	3
90WA828138	Mehi River Water Source	A pipe with a diameter of not less than 500mm fitted with a stop valve or other control device shall be constructed through the dam referred to in condition (3), to the satisfaction of the NSW office of water. The level of the invert of the said pipe shall be fixed at or near the bed level.	4
90WA828138	Mehi River Water Source	The level of the crest of the bywash of the dam shown as number 3 on a plan, particulars of which are retained in the office of the NSW office of water shall be fixed at not higher than 1.60 metres above the bed level of the creek.	5
90WA828138	Mehi River Water Source	A pipe with a diameter of not less than 500mm fitted with a stop valve or other control device shall be constructed through the dam referred to in condition (5), to the satisfaction of the NSW office of water. The level of the invert of the said pipe shall be fixed at or near the bed level.	6
90WA828138	Mehi River Water Source	The level of the crest of the bywash of the dam shown as number 4 on a plan, particulars of which are retained in the office of the NSW office of water shall be fixed at not higher than 2.31 metres above the bed level of the creek.	7
90WA828138	Mehi River Water Source	A pipe with a diameter of not less than 500mm fitted with a stop valve or other control device shall be constructed through the dam referred to in condition (7), to the satisfaction of the NSW office of water. The level of the invert of the said pipe shall be fixed at or near the bed level.	8
31264	Moredun Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless a visible flow is maintained in Moredun Creek at the concrete slab immediately downstream of Maclean bridge located between Lot 114 DP 46397, Parish of Bundarra and Lot 1 DP 388878, Parish of Clerkness, both County of Hardinge.	
31266	Moredun Creek Water Source	The authorised work may only be used for the purpose of irrigation if: (a) The level of the gauge within the pumping pool exceeds 0.2 metre (or such other reading as the relevant licensor may determine from time to time), and (b) The relevant licensor, Moree Office, has been advised in advance of the gauge height and the intention to irrigate.	
31276	Moredun Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless a visible flow is maintained in Moredun Creek at both the access crossing within Lot 1 DP 559154, Parish of Clerkness and the piped causeway located between Lot 41 DP 753652 Parish of Clerkness and Lot 55 DP 753646 Parish of Bundarra, all County of Hardinge.	
31282	Moree Water Source	The pump(s) shall be used for the purpose of irrigation or filling an off-river storage unless Marshall's Ponds Creek is flowing over the low level bitumen road bypass at the Ashley Road bridge.	

43457	Moree Water Source	The pump(s) shall not be used for the purpose of irrigation or filling an off-river storage unless Marshalls Ponds Creek is flowing over the low level bitumen road bypass at the Ashley Road bridge.
31320	Roumalla Creek Water Source	The pump shall not be used for the purpose of irrigation unless there is a visible flow maintained in Roumalla creek at the causeway in Kingstown.
31329	Roumalla Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is— (a) a visible flow in Roumalla Creek over the rock bar situated immediately downstream of the pump site on portion 16, Parish of Baldwin, County of Hardinge. (b) notwithstanding, there must also be a visible flow in Roumalla creek over the sand bar at the confluence of Ponds Creek (local name, Sandy Creek) on portion 40, Parish of Baldwin, County of Hardinge.
31337	Tycannah Creek Water Source	The approval holder must not take any water from an approved work for the purpose of irrigation, unless there is a visible flow in Tycannah Creek at the Tycannah Creek bridge on the Newell Highway.
31338	Tycannah Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow at the Berrygill Creek road crossing between Lots 51 and 24, DP 751764, Parish of Downs, County of Courallie.
31339	Tycannah Creek Water Source	The authorised work shall not be used for irrigation unless there is a visible flow in Tycannah Creek at the road bridge situated on Lot 79 DP 751776, Parish of Wirriburldonga, County of Courallie.
31340	Tycannah Creek Water Source	When there are flows in Tycannah Creek the pump shall not be operated unless such flows shall have overtopped the telecom concrete spillway located downstream of the Newell Highway, for a period of not less than 24 hours prior to the commencement of diversion and provided that a flow is maintained over the said spillway.
31341	Tycannah Creek Water Source	The authorised work shall not be used for irrigation unless there is a visible flow in Tycannah Creek at the road bridge situated on Lot 79 DP 751776, Parish of Wirriburldonga, County of Courallie.
31354	Upper Gwydir River Water Source	The pump shall not be used for the purpose of irrigation unless a visible flow is maintained in the Gwydir River at the low level emu bridge on the Thunderbolts Way, immediately upstream of Bundarra.
31356	Upper Gwydir Water Source	The pumps shall not be used for the purpose of irrigation unless a visible flow is maintained in the Gwydir River at the low level emu bridge on the Thunderbolts Way, immediately upstream of Bundarra.
31358	Upper Gwydir Water Source	The pumps shall not be used for the purpose of irrigation unless a visible flow is maintained in the Gwydir River at the low level emu bridge on the Thunderbolts Way, immediately upstream of Bundarra.
31361	Upper Gwydir Water Source	The pump shall not be used for the purpose of irrigation unless a visible flow is maintained in the Gwydir River at the low level emu bridge on the Thunderbolts Way, immediately upstream of Bundarra.
31363	Upper Gwydir Water Source	The pump shall not be used for the purpose of irrigation unless a visible flow is maintained in the Gwydir River at the low level emu bridge on the Thunderbolts Way, immediately upstream of Bundarra.
31367	Warialda Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Black Creek at the road causeway between Lot 133 DP 751107, Parish of Gragin and Lot 172 DP 721468, Parish of Myalla, both County of Burnett.

Schedule 4 Dictionary

section 6

5-year average extraction—see section 18.

Active Environmental Water is the water in the water sources identified or determined by the Minister on any given day as requiring protection from extraction, in accordance with the Active Management Procedures Manual, that arises from the following—

- (a) held environmental water flowing from a water source that is upstream of either the Upper Gingham Watercourse Management Zone, the Lower Gingham Watercourse Management Zone, or the Mallowa Creek Management Zone,
- (b) a notification by a licence holder to the Minister of the licence holder's intention to protect the water from extraction under section 40 of this Plan.

Active Management Procedures Manual means the manual established by the Minister under section 34B.

annual extraction—see section 18.

average annual extraction—see section 18.

Basin Plan—see section 18.

cease-to-take condition means a term or condition of an access licence or a water supply work approval that prohibits the take of water in a particular circumstance.

declared Ramsar wetland has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

flood-runner means a stream or part of a stream that only flows during a flood.

former entitlement has the same meaning as in the Act, Schedule 10, section 2.

full capacity means the volume of water impounded in a pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of the pool, lagoon or lake would stop.

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

in-river dam pool means the water impounded by an in-river dam, but does not include water in an in-river pool.

in-river pool means a natural pool, lagoon or lake within a river or stream, but does not include—

- (a) a pool on a flood-runner or floodplain, or
- (b) a pool on an effluent that only begins to flow during high flows.

kl/day means kilolitres per day.

Logbook—see section 47.

LTAAEL—see section 18.

mandatory metering equipment condition has the same meaning as in the *Water Management (General) Regulation 2018*, section 228.

ML/unit share means megalitres per unit share.

ML/day means megalitres per day.

ML/year means megalitres per year.

off-river pool means a natural pool, lagoon or lake that is not within a river or stream, regardless of stream size, and located on—

- (a) a flood-runner or floodplain, or
- (b) an effluent that only begins to flow during high flows.

Plan Map means the *Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025 Plan Map* ([version reference]).

Note— The Plan Map is available on the Department's website.

planning approval means—

- (a) a development consent under the *Environmental Planning and Assessment Act 1979*, Part 4,
- (b) a State significant infrastructure approval under that Act, Part 5.2, or
- (c) a transitional Part 3A project approval under that Act, Schedule 6A.

Note— The *Environmental Planning and Assessment Act 1979*, Schedule 6A has been transferred to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

plantation forestry—see section 18.

reduced available water determination—see section 18.

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff.

Note— Minor stream is defined in the *Water Management (General) Regulation 2018*, section 3.

SDL—see section 18.

surface water means all water naturally occurring on the surface of the land, including all rivers, lakes and wetlands, within the boundaries of the water sources shown on the Plan Map.

the Act means the *Water Management Act 2000*.

the water sources—see section 3.

third or higher order stream means a stream identified as a third or higher order stream, as determined in accordance with the system set out in the *Water Management (General) Regulation 2018*, Schedule 2.

visible flow means the continuous perceptible downstream movement of water.

water account debit—see section 47.

water year means a period of 1 year commencing on 1 July.

WSP prescribed wetland means a wetland shown on the WSP Prescribed Wetlands Map.

WSP prescribed wetland from prior WSP means a WSP prescribed wetland from prior WSP shown on the WSP Prescribed Wetlands Map.

WSP Prescribed Wetlands Map means the *Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025* WSP Prescribed Wetlands Map ([version reference]).

Note— The WSP Prescribed Wetlands Map is available on the Department's website.