

Proposed access rule change in Maules and Horsearm Creek Management Zone

This fact sheet supports additional consultation to finalise the draft Water Sharing Plan for the Namoi and Peel Unregulated River Water Sources 2025

Background

The draft replacement Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2025 (the draft replacement Plan) was publicly exhibited from 4 November 2024 to 10 January 2025. The consultation period was then extended until 2 February to continue consultation with stakeholders on proposed wetlands in the draft replacement Plan.

On 1 July 2025 the *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012* lapsed. The Department of Climate Change, Energy, the Environment and Water (the department) has since considered additional information, and further consultation is now required to ensure we can get the plans right.

While the original draft replacement Plan did not propose changes to access rules in the Maules and Horsearm Creek Management Zone, the department has since reconsidered the proposed access rules, leading to a revised proposed access rule for the Maules and Horsearm Creek Management Zone.

Proposed change to the access rule

The existing access rule in the Maules and Horsearm Creek Management Zone prevents water being taken when there is 1 ML/day or less at the Maules Creek at Avoca East gauge (419051).

We propose to revise the access rule to prevent water being taken when flow is 75 ML/day or less at the Maules Creek at Avoca East gauge (419051). This rule is proposed to apply to all access licences in the management zone (Table 1). This change will not affect other existing access rules such as take from in-river pools, in-river dam pools or off-river pools, existing exemptions to access rules or the application of historical access rules that are more restrictive, where relevant.

Table 1. Amount of entitlement and the number of access licences and licence holders affected in the management zone (Water Licensing System)

Licence category	Number of licences / Licence holders	Amount of entitlement
Unregulated River	6 / 6	1,072 unit shares
Domestic and Stock	1 / 1	7 ML/year

Some licensees may hold multiple licences under one or more categories. Three of these licences have a combined total of about 74% of the entitlement and have cease-to-pump rules that restrict take to when flows are 200 ML/day or above. A change to the CtP in this management zone from the current 1 ML/day to 75 ML/day would only apply to the remaining licences and 277 ML of entitlement.

Why this change is proposed

The water source is ecologically significant and under pressure from extraction

The *Water Management Act 2000* requires the Minister for Water and Minister for the Environment to prioritise the protection of the water source and its water-dependent ecosystems when sharing water, while also considering the other principles of the Act.

The Maules and Horsearm Creek Management Zone is part of the Maules Creek Water Source. It has high instream values¹ and supports many threatened aquatic species, including native fish and others that are important in the river food chain². Critically, it supports several endangered species including the Tusked Frog, Davies' Tree Frog, Purple-Spotted Gudgeon, Eel-Tailed Catfish, and Olive Perchlet³ and is predicted to support the Booroolong Frog.

There is a high risk of increased zero flow periods in Maules Creek Water Source due to previous rules for licensed extraction¹. This means the creek is likely to stop flowing or have flow at low levels more often than what would occur naturally, which impacts the life cycle and viability of species that require some level of flow in the river.

¹ DCCEEW, 2023. Risk assessment for the Namoi Surface Water Resource Plan Area (SW14). [Risk Assessment for the Namoi Water Resource Plan Area \(SW14\)](#)

² Schilling, H., Crook, D., 2025. Basin Plan Fish Monitoring Summary (2014/15 – 2023/24): Water Resource Planning Area Reports. NSW Department of Primary Industries and Regional Development. Port Stephens Fisheries Institute. 625pp. (PUB25/277)

³ <https://www.dpi.nsw.gov.au/fishing/threatened-species/what-current/endangered-populations2/olive-perchlet>

In addition, periods of no or low flow can lead to the fragmentation of aquatic habitats, reducing connectivity between pools and threatening the survival of native fish and other aquatic species. They can also decrease the quality of water, such as reduced oxygen levels, leading to further stress on important ecosystems.

Changes to water management are needed to reduce risks to the water source

Many aquatic species are in a state of decline across the NSW Murray–Darling Basin. For example, the endangered eel-tailed catfish were formerly very abundant across most of the NSW Murray–Darling Basin. Due to alterations of natural flows, introduced species, and poor water quality, the fish is now restricted to parts of the northern Basin, with the Maules and Horsearm Creek Management Zone providing an important refuge habitat for the fish.

The main way to protect aquatic and water-dependent ecosystems in the water source is to reduce how often the creeks stop flowing throughout the year and to protect low flows and very low flows during the fish breeding season (spring to summer).

The proposed change to the access rule is intended to lower the reported risks to the water source, improving protections for aquatic ecosystems and species by:

- reducing how often parts of the system stop flowing
- reducing, on average, the occurrence of very low flow conditions (1 ML/day or less), from 20% of the year to less than 4% of the year
- supporting adequate water depths to enable native fish and other aquatic animals to move throughout the water source and river system more broadly. The proposed access rule aims to protect an approximate flow depth of 30 cm at the Maules Creek at Avoca East gauge (419051). While this rule won't always maintain 30 cm flow depth—as the creek will naturally reduce to very low flows and cease to flow at times—it is expected to protect the natural recession of lower flows in line with natural conditions and increase the duration during which flow supports the movement of aquatic species
- improving river connectivity and how often refuge pools are filled
- supporting species condition during flow periods to enhance resilience of native fauna and ecosystems through dry spells, including cease-to-flow events
- reducing water quality issues by ensuring a minimum flow velocity past the gauge.

The proposed rule also provides benefits for basic landholder rights and ensures water is available for human needs and the environment in the longer term.

Why this change wasn't proposed during public exhibition

The department did not propose to change access rules for affected licences during public exhibition, despite the water source having high instream values, and a high risk of more frequent periods of no flows and low flows. The department made this decision because 74% of entitlement in the management zone has an access rule which allows water to be taken only when flows exceed 200 ML/day. The risk assessment did not factor this in, and the department considered the 'high risk' rating may have overstated the actual level of risk.

Following consideration of the entire water sharing plan and adjacent water sources, it became clear the risks to the environment remained high. For example, over the life of the previous plan, the occurrence of very low flows (less than 1 ML/day) has increased by 2 %. If this trend continues over the next 10 years, species and ecosystems in the water source could be permanently damaged. Despite earlier considerations, further adjustments to access rules are needed to better balance environmental outcomes. The change also provides more consistent access rules across the water source.

The Maules and Horsearm Creek Management Zone is one of 4 water sources or management zones in the Namoi and Peel Unregulated Rivers Water Sources being reconsidered by the department. It was identified because of the reported risks to the high instream values, and the opportunity to improve connectivity within and between water sources earlier than proposed.

What this change would mean for licence holders

To show the impact of the proposed access rule change, the number of days per year where access is restricted is provided as a long-term average for both the existing and proposed access rules.

The average number of days per year when access is restricted under the existing and proposed access rules has been calculated using the flow data available at the Maules Creek at Avoca East gauge (419051), (Table 2):

- since the gauge began operating in 1972, and
- since the commencement of the former water sharing plan in 2012.

Based on the information in Table 2, the proposed change in access rule would result in affected licence holders being restricted from taking water for approximately 81-93% of the year on average over the long term with the greatest reductions in access occurring in autumn and winter, with an additional 75 and 72 days of no access in those seasons respectively.

Table 2. Statistics for the Maules Creek at Avoca East gauge (419051)

Time period	Average days/year that take is not permitted at 1 ML/day (existing rule)	Average days/year that take is not permitted at 75 ML/day (proposed rule)	Change in access between existing and proposed rule*
Full gauge record (1972–2023 ⁴)	49	297	On average, based on historic data there were 248 additional days per year where affected licence holders could not take water under applicable licences.
Life of the water sharing plan (2012–2023 ²)	85	338	On average, there would have been 253 additional days per year where affected licence holders could not take water under applicable licences if the proposed rule had been in place during the previous plan.

Targeted consultation and feedback

The department is seeking feedback from affected licence holders and peak stakeholder groups on the proposed access rule for this management zone. Additional consultation, including a webinar and a face-to-face meeting will be held to discuss this proposed access rule with licence holders and stakeholder groups. To provide an opportunity to have your say this additional consultation period will be open between 4 September 2025 and 8 October 2025.

A submission form is available on the [department's website](#) and written submissions can be sent via email to water.enquiries@dcceew.nsw.gov.au by 8 October 2025.

⁴ Data was collected for analysis until November 2023.