



**Submission in Response to Gwydir
Surface Water Package: Surface
Water Resource Plan and Surface
Regulated & Unregulated Water
Sharing Plans**

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1. INTRODUCTION: WHY WATERNSW IS MAKING THIS SUBMISSION

WaterNSW is responsible for supplying the State's bulk water needs, operating the State's river systems and the bulk water supply system for Greater Sydney. We service approximately 46,000 customers as a one-stop shop for matters including licences and approvals, water allocation trades, water licence trades and water resource information.

This submission addresses the implementation aspects of the Gwydir Surface Water Package, which encompasses the *Gwydir Surface Water Resource Plan*, the *Water Sharing Plan for the Gwydir Regulated River Water Source* and the *Water Sharing Plan for the Gwydir Unregulated River Water Source* (**Gwydir Regulated WSP and Gwydir Unregulated WSP**, respectively).

The development of the Gwydir Regulated WSP and, separately, Gwydir Unregulated WSP represents the first replacement surface water sharing plans made under the new template and in connection with Water Resource Plans (**WRP**). Water sharing plans (**WSPs**) will be made consistent with the *Basin Plan 2012* and as part of the WRPs.

It is important to acknowledge that there may be an adjustment period for all involved in water to become familiar with the content and format of the new template and their operational interaction with WRPs. A core customer service principle of WaterNSW is "make it easy for the customer" and we believe that the best outcomes for both water resources and water users alike are achieved when users understand their compliance responsibilities and any licence impacts. Accordingly, we recognise that the Department has worked closely with the relevant SAPs over the past year to develop the WSPs.

It is nevertheless worth **highlighting** the critical role that continuing education plays in achieving effective outcomes. All water agencies in NSW (broadly, the Department of Industry Lands & Water (**DOI L&W**), WaterNSW, and the Natural Resources Access Regulator have a role to play in this regard. For WaterNSW, this role encompasses River Operator, Market Participant, Licensing and Approval Authority, Billing and Education associated with each of these functions.

Since 2017 WaterNSW has worked with the NSW Government's Water Reform Task Force, including most recently providing comment on the metering regulations and corresponding framework. As those regulations commence on 1 December 2018 we **recommend** that the final Gwydir Surface Water Sharing Plans (regulated and unregulated) are reviewed to ensure consistency with those regulations where appropriate.

1.1. PRINCIPLES UNDERPINNING THIS SUBMISSION

This submission is **guided by principles we have articulated in previous submissions**, both in 2016 in response to the Status and Issues Papers for WRPs (<https://www.waternsw.com.au/supply/regional-nsw/water-sharing-plans>), and in 2018 in response to the Water Reform Action Plan Discussion Papers (April) and the NSW Water Metering Framework Draft Regulations & Policy (September).

At a high level, these principles include components of market certainty and operational flexibility. These are relevant to two of WaterNSW's primary functions as market participant and System Operator.

Market certainty

- **clear and functional separation** of the market participants and reduced market complexity, with a focus driving transparency, accountability and performance;
- **improved confidence** in market outcomes; and

- **improved robustness** in WSPs and WRPs to deal with foreseeable but not everyday circumstances (including drought and unregulated flow events) such that administrative discretion is limited in the plans to uncommon and rare situations.

Operational flexibility

- **clear identification of the role of WaterNSW**, including as System Operator in both regulated and unregulated systems;
- **outcomes-based policy frameworks** that identify the objectives but allow operational flexibility to deliver the outcomes; and
- **establishing performance frameworks and reporting**, including appropriate auditing by DOI L&W of WaterNSW’s implementation of WSP rules, to ensure it meets the required objectives.

2. GWYDIR REGULATED WATER SHARING PLAN

2.1. WATERNSW AS THE OPERATOR

The new WSP template, interaction with WRPs and reconsideration of the Gwydir surface water resources, is an opportunity for WaterNSW to be listed as the operational entity for the purposes of the plan. **We support the specific inclusion in the Gwydir Regulated WSP of WaterNSW as “the Operator”** from the plan’s commencement in July 2019. Naming WaterNSW in this way gives clarity to the roles of relevant water agencies in NSW.

It is also notable that, alongside being named as the Operator, the Gwydir Regulated WSP specifies certain functions for WaterNSW (as the Operator) to perform. This is important for two reasons.

First, it **removes the administrative requirement** of inserting these functions in the WaterNSW Operating Licence and the uncertainty (both to WaterNSW and its customers) associated with conferring functions through a subordinate document. Accurately describing the role of the Operator in WSPs provides a cleaner and more direct regulatory framework for WaterNSW to perform its operational responsibilities. Importantly, it also means the Operating Licence can be used as a “by exception” document for the purposes of conferring functions arising from the WSP.

The second, related, reason regards **appropriate oversight and audit mechanisms**. At an on-ground operational level WaterNSW exists to implement the rules of WSPs, which are set by DOI L&W as the policy and rule maker. Consequently, DOI L&W is the party best placed to ensure that the WSPs are being implemented to achieve their stated outcomes. The mechanism for DOI L&W to audit WaterNSW on compliance with WSPs only arises if our role as the Operator is accurately described in the WSPs.

The reverse situation, whereby the Operating Licence rather than the WSPs describe the role and function of WaterNSW’s operations, results in IPART undertaking the auditing and compliance functions. This may cause auditing to be duplicated or not fit-for-purpose, neither of which are ideal. As DOI L&W set the rules it is best placed to regulate our implementation of same.

2.2. FUNCTIONS OF THE OPERATOR

The role of the Operator is to undertake day-to-day operations of the river systems to deliver water to our Customers, including town water supply, stock and domestic, and environmental and irrigation water users. WaterNSW believes that rules should be developed to enable the Operator to operate the system on a day-to-day basis independently of the Minister having daily input in addressing foreseeable events. **Rules should be codified to ensure the Operator can manage water deliveries during unregulated flow event** and restrict access when conditions do not allow for orders to be met.

Ministerial intervention should be seen as the exception and reserved for extraordinary events, rather than as part of the daily operation of the system.

On this point it is relevant to restate part of our submission to the Gwydir Status and Issues Paper in 2016 (see section 4.3 of that submission). System rules must be flexible and allow for adaptive management to ensure that planned environmental water access is maintained but not exceeded. Adaptive management of the rules is required to ensure the sustainable diversion limit is not exceeded yet remains fully available. This can be assured in the Gwydir Regulated WSP through rules pertaining to supplementary access, minimum flows, and the Environmental Contingency Allowance rules. We **recommend** consideration be given to equipping the WSP with this flexibility.

While the inclusion of WaterNSW as the Operator in the Gwydir Regulated WSP is a commendable forward step, **the regulatory framework can be improved** to allow WaterNSW the flexibility it requires to operate the rivers with ease and with the appropriate amount of oversight (through audits) from other agencies.

For example, the process of debiting water from an individual water allocation account for water take is a function of WaterNSW's daily operations and business as usual, but is currently identified in the Gwydir Regulated WSP as a function of the Minister (allowing it to be exercised by the Department). Similarly, determining limits on water allocation accounts and carryover, and ensuring that allocations in a water allocation account do not exceed specified limits, is a daily function of WaterNSW and the WSP should assign its responsibility to the Operator directly.

The same principles also apply to accounting rules for regulated river (general security) licences and background procedures relevant to taking water only in accordance with relevant orders. We note that **supplementary licences** should not be excluded from the list of licences **requiring mandatory conditions that water must be ordered to be taken** (clause 71(2)). Specifying this requirement as a mandatory condition for supplementary licences will improve WaterNSW's ability to manage these events (active management).

The proposed **announcement procedures for supplementary events** (clause 48) are of further concern. The WSP currently provides that the Minister will announce a supplementary water event, despite the end-to-end operation of the event (forecasting, managing the event and debiting extracted water from relevant accounts) being the responsibility of WaterNSW. Making the Minister rather than the Operator responsible for the announcement of the decision creates an unnecessary extra layer of government intervention and inefficiency. The extra intervention may cause water users to miss out on access to an event due to potential delays with issuing approvals to pump.

A more efficient arrangement is for these events to be managed in accordance with a WaterNSW developed protocol that DOI L&W oversees. WaterNSW would then report event outcomes to DOI L&W after the fact and in line with the protocol. Further to the above, these arrangements would be auditable by DOI L&W and recommendations could be made to improve their operation. DOI L&W will not have control of this audit process if the WSP does not make these functions the responsibility of WaterNSW as the Operator. Consequently, we **recommend** that each of the above non-contentious provisions be reconsidered and conferred to WaterNSW through its defined role as the Operator in the Gwydir Regulated WSP.

In all its dealings involving water, **WaterNSW advocates for its role to be clear, consistent, efficient and driven towards achieving practical and long-term solutions for end-users**. More broadly, we also endorse the roles of water agencies as being non-duplicative and easy to understand. The Gwydir Regulated WSP presents an opportunity for WaterNSW to be clearly conferred the responsibility for making Available Water Determinations (in line with the legislation). These are currently made by the Department based on WaterNSW's information, and later published on the WaterNSW website.

Consistency, reduced duplication and efficient river operations will be achieved by WaterNSW having responsibility for the end-to-end process in both Available Water Determinations and the functions

described above. We **recommend** that reconsideration is given to the role of WaterNSW in the making of Available Water Determinations. We acknowledge the work required to codify and establish auditing processes, and **recommend** the development of a similar process to the management of supplementary access. For example, WaterNSW could develop a protocol that the Minister approves, after which the function is transferred to WaterNSW as the Operator and audited annually by DOI L&W.

The Gwydir WSPs are the first replacement WSPs to be made in NSW. Consequently, **it is critical that the Gwydir Regulated WSP accurately describes WaterNSW's role as the Operator** such that this clear separation is reflected consistently in further replacement (and other future) WSPs.

3. GWYDIR UNREGULATED WATER SHARING PLAN

3.1. ACTIVE MANAGEMENT

The Gwydir Unregulated WSP represents one the unregulated WSPs that will move towards a system of **active management** with the introduction of water reform to environmental flows, expected in 2019 as part of broader reform work currently being undertaken. Active management will be used to determine what volume of flows can be accessed and when, in defined ways but with consideration of specific events.

The goal of active management is to provide the System Operator with the ability to manage unregulated systems in a similar way to how we manage regulated rivers during supplementary events. For this reason, it will be critical that the Gwydir Unregulated WSP (and others) includes the ability to apply mandatory conditions to licences. For example, a mandatory condition similar to that described in section 2.2 above for the Gwydir Regulated WSPs, that water must be taken in accordance with an order (with procedures set by the Operator).

In an actively managed system, WaterNSW as the System Operator will actively monitor (including forecast and report), measure water use and be able to actively share water between customers (through processes including water ordering). The operation of this system will be assisted by the NSW Government's metering and telemetry reforms.

Active management of unregulated systems was an important recommendation of WaterNSW's submission to the Water Reform Task Force's discussion papers in April 2018. We are pleased that the Department has taken this recommendation onboard in furthering water reform and, relatedly, the replacement unregulated WSPs. We note the large body of work required to ensure that this system is implemented with community understanding and acceptance, and we acknowledge that WaterNSW continues to work with an intergovernmental panel to achieve this optimal outcome.

The replacement Gwydir Unregulated WSP contains provisions allowing the Minister to amend the extraction component of access licences to impose individual daily extraction limits on certain licences. This facilitates active management but **does not of itself implement active management through the WSP**. We understand that this is a drafting oversight and look forward to seeing the revised provisions that allow amendment of the plan for the specific purpose of implementing active management.

3.2. ROLE OF OPERATOR

Unlike the Gwydir Regulated WSP, its unregulated counterpart does not identify the role of “the Operator” as a relevant authority in the plan. Rather, the current drafting makes the Minister responsible for all implementational components of the plan. WaterNSW sees this as a **missed opportunity to provide a consistent framework across all WSPs** and to make clear our role as Operator and on-ground implementer of rules.

We make this statement noting that our role as “Operator” in an unregulated system does not include river operations as it is traditionally perceived in the regulated systems. In unregulated systems our role is defining and managing events, flow classes, and cease-to-flow conditions across the state. We also make users aware of these conditions through evolving technology, for example the recently-launched flow conditions “traffic light” system in the Barwon-Darling. We are currently exploring how a similar type of system can be rolled out to other unregulated systems.

Our role as Operator in unregulated systems will become more critical with the implementation of active management in these systems. It will evolve to provide greater transparency of access arrangements as well as daily communications and specific event management. Whereas our current focus in unregulated systems is administering the regulatory framework, it will soon expand to include system operations.

Nevertheless, there are some key measures that are clearly the **role of WaterNSW as rule implementer** and should be specified as such (as opposed to subsequently conferring these functions to WaterNSW through our Operating Licence, for reasons highlighted above). In particular, clause 42(4) of the replacement WSP provides for the Minister to determine and notify the licensee of the flow classes that apply for days where accurate flow data is not available. Further, the notification to affected licensees includes publishing a notice on the Department’s website.

The current drafting of this clause misidentifies the role and function of the Department as the Minister for the purposes of determining daily flows in these circumstances. These functions are part of WaterNSW’s daily operations and should be **conferred directly to WaterNSW in the WSP**, along with directing licensees to the WaterNSW website where this information is routinely published.

We believe that the above suggestions are minor and non-contentious, but their resolution will have important and positive impacts. Correctly identifying the appropriate authority will benefit end users and their understanding of the system, which in turn will improve compliance.

4. GWYDIR SURFACE WATER RESOURCE PLAN

The Gwydir Water Resource Plan is the first surface WRP to be released. Although it is for a different type of resource than the recent Lachlan Alluvium WRP, many of the comments WaterNSW made in response to that plan are applicable to the Gwydir WRP. In particular, we note that the water reform metering regulations and corresponding metering framework are due to commence 1 December 2018, so the Gwydir WRP should be reviewed to ensure consistency with those regulations where appropriate.

It is also prudent to **accurately identify the roles and responsibilities of water agencies** in a consistent manner throughout all WRPs. For example, the description of WaterNSW on page 10 of the Gwydir WRP should mirror the description of WaterNSW on page 14 of the Lachlan Alluvium WRP. Each

subsequent WRP should use the same language, as the statement represents who WaterNSW is and is not bespoke to each plan.

WaterNSW continues to support **outcomes-based water resource plans that show functional separation of the market participants and reduce market complexity** to facilitate a modern, efficient, effective and responsive water market that is understood by all participants. Our comments to each of the above plans are made in furtherance of this goal.



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SUBMISSION

Draft Gwydir Surface Water Resource Plan

November 2018



Introduction

The NSW Irrigators' Council (NSWIC) is the peak body representing irrigators and the irrigation industry in NSW. Our Members include valley water user associations, food and fibre groups, irrigation corporations and commodity groups from the rice, cotton, dairy and horticultural industries. Through our members, NSWIC represents 12,000 water access licence holders in NSW who access regulated, unregulated and groundwater systems.

NSWIC engages in advocacy and policy development on behalf of the irrigation sector. As an apolitical entity, the Council provides advice to all stakeholders and decision makers.

This submission represents the views of the Members of NSWIC with respect to the draft Gwydir Surface Water Resource Plan. However, each member reserves the right to independent policy on issues that directly relate to their areas of operation, expertise or any other issues that they deem relevant.

Overview

NSWIC welcomes the Draft Gwydir Surface Water Resource Plan (WRP) as part of the first tranche of WRPs in NSW to be released for public consultation. NSWIC acknowledges that the development of WRPs is a key commitment of the NSW Government's obligations under the Murray-Darling Basin Plan. This submission includes the viewpoints of both those in the Gwydir area who are directly impacted by this WRP, but also irrigators from across NSW where the WRP is yet to be developed and is thus subject to the precedence of this Gwydir WRP. The focus of this submission will be on state-wide implications of this WRP.

WRPs are to outline how each region aims to achieve community, environmental, economic and cultural outcomes, but also ensure that state water management rules meet Basin Plan objectives whilst efficiently sharing resources between users. Thus, WRPs have important considerations at both a regional and state-wide level. The Basin Plan 2012 (Chapter 10) outlines the requirements for WRPs. The WRP must comply with Chapter 10 requirements for it to be accredited under Part 2 Division 2 of the Water Act 2007 (Cth). This includes compliance with the Sustainable Diversion Limit (SDL), recognising and managing significant hydrologic connections between connected resource areas, water trade rules, planning for environmental watering, water quality objectives, measuring and monitoring, and arrangements for extreme weather events. Whilst Water Sharing Plans remain as the key regulatory instrument, WRPs are of critical importance to irrigators and the irrigation industry as they also underlie operations and practices and have potentially large economic and social impacts.



Submission

In this submission, we focus on the areas of most concern to our members, both in the Gwydir and state-wide.

This submission will focus on 7 key issues:

1. Improved readability is needed to ensure clarity and reduced likelihood of misinterpretation
2. Need for clarity in aligning the objectives, strategies and measures
3. Balance between environmental, economic and social objectives
4. Delegation of powers to the NSW Environmental Water Manager and removed statutory responsibility for Environmental Water Advisory Groups
5. Compliance issues
6. Need for a review period
7. Greater community participation is required
8. Basic Landholder Rights (including Native Title)
9. Clarification is needed on Aboriginal cultural access licenses

1. Improved readability is needed to ensure clarity and reduced likelihood of misinterpretation

To read this WRP requires simultaneous reading of multiple supporting documents. Where previously extracts of legislation were included, this WRP now primarily has references instead. There is concern that this density and lack of consolidation may limit the ability of users to comprehend the rules, and result in a lack of clarity. This complexity also broadens the scope of interpretation. Whilst it is acknowledged that documents of this kind are inherently complex in nature, greater consideration is needed to simplify the format and availability of information to be accessible. As primary principles of any WRPs, the plan must be communicated in a manner where it is able to be effectively, easily and clearly understood by water users.

Recommendation: Reduce the complexity of the WRP and provide additional explanatory materials for stakeholders. To reduce complexity, NSWIC encourages DoL-Water to consolidate multiple documents by incorporating sections of key supporting documents into the WRP where length of text permits, or provide hyperlinks to more easily guide the reader. Explanatory materials should be plain English, and prioritise key principles of accessibility, clarity, comprehension and simplicity.



2. Need for clarity in aligning the objectives, strategies and measures

The objectives of the WRP, while defined by the Basin Plan, need to clearly link to the WSP. The WSP vision statement (as required under Section 35.1 of the Water Management Act 2000) should be drafted in a way that makes it clear they are meeting the outcomes described on the WRP. NSWIC requests that DoI-Water commit to resourcing so there is capacity to meet these objectives. For example, the Plan vision should reflect the Plan's core role which is to enable the sustainable and efficient use of water.

3. Balance between environmental, economic and social objectives

NSWIC seek clarification of whether the priority of usage has been adjusted under the WRP. The WSP outlines priority of use to flow from basic landholder rights to domestic and stock access licences and then entitlements and environmental water allocations¹. However, the change in terminology from Basic Landholder Rights to be inclusive of *Domestic and Stock Rights* and *Native Title Rights* raise questions about the prioritisation of access and the long-term security of entitlements if the inherent assumed value of either of those 'rights' grows. NSWIC do not support any reprioritisation that negatively impacts on the rights and abilities of entitlement holders to utilise their entitlements.

4. Delegation of powers to the NSW Environmental Water Manager and removed statutory responsibility for Environmental Water Advisory Groups

The Gwydir has a statutory committee to manage environmental water. The composition of this committee was listed in the WSP. NSWIC is not comfortable with the delegation of power solely to the Office of Environment and Heritage, on the basis that industry perspectives (social and economic) remain as key considerations in environmental water management. NSWIC is concerned that the representation of water users through advisory groups will be reduced. This was the case in the Murray where the EWAG has evolved to move away from a community committee to being primarily composed of government agency representatives.

Recommendation: That a provision for an EWAG is put into the Water Sharing Plan, including a provision that the committee is comprised of local representatives with a balance of environmental, economic and social interests. There is opportunity to move towards skills-based selection of committee representatives.

¹ DRAFT Water Sharing Plan for the Gwydir Regulated River Water Source 2016 (amended 2019), S66



5. Compliance issues

Water management still constitutionally resides with State governments. Therefore, NSWIC believes the WSP is the primary instrument for NSW to manage and regulate water usage within the state. Extraction limits and compliance regimes must be clearly defined in WSPs along with remedial actions to address compliance issues.

NSWIC questions if it is necessary to refer to cumulative compliance² (as part of the Basin Plan and Commonwealth legislation) in state-based legislation. To avoid duplication and confusion, NSWIC requests that the various requirements between compliance regimes be made explicit and clear in the WSP. Clear understanding of the compliance requirements will ensure self-monitoring is possible.

NSWIC requests that the definition of reasonable excuse provisions be explicitly included.

6. Need for a review period

NSWIC recommend that a formal review step is included in the WRP, and review timeframes and dates be established. NSWIC recommend that outstanding issues which were not progressed or resolved are tabled and scheduled as part of the WRP. This process would ensure the best outcomes for all water users, extending to environmental management.

7. Greater community participation is required

NSWIC is concerned about the lack of representation by local community stakeholders on Critical Water Panels. It has been observed that these panels are mostly attended by government agency representatives.

NSWIC requests that Critical Water Panels are community staged with a significant representation by local community members. This would ensure that local knowledge can be effectively incorporated. Quotas on the representation of local stakeholders are encouraged.

NSWIC firmly believes that the continual reduction in stakeholder involvement is becoming a critical issue, which risks the loss of valuable practical and operational knowledge that is integral to sustainable management of water resources.

Recommendation: Greater stakeholder participation in decision making, such as by requirements for representation on advisory panels (such as Critical Water Panels) to ensure practical and local knowledge resources are utilised. The WRP should include a clear process for how Critical Water Panels should be established, how they should operate, what transparency requirements are needed, and what communications and reporting are required.

² Schedule A: Draft Water Sharing Plan for the Gwydir Regulated River Surface water source, Division 3 Cumulative annual extraction limit (33).



8. Basic Landholder Rights (including Native Title)

NSWIC members seek clarification on whether the definition of basic landholder rights has been changed. NSWIC further seeks clarification on the linkages between native title rights and basic landholder rights, specifically regarding the order of priority of native title access entitlements (over basic landholder rights) and impacts on other water access entitlement holders. NSWIC recommend that the different character of cultural water and native title access entitlements are explicitly distinguished within the WSP/WRP.

9. Clarification is needed on Aboriginal cultural access licenses

NSWIC is greatly respectful of water entitlements for Aboriginal and cultural use. NSWIC is concerned about the creation of any new entitlements when resources are already fully distributed.

With native title being included within the definition of basic landholder rights in the WSP (Division 2), clarification is needed regarding the prioritisation of native title above other entitlements, and the process followed to claim an entitlement. This is needed to ensure all water users have clarity and certainty on the process.

Part 6 Rules for granting access licenses S 26(2) states that: “A person may make an application for a regulated river (high security) (Aboriginal cultural) access licence if the share component of the proposed access licence is no greater than 10 ML/year”. However, the WSP does not specify how many licenses of this kind may be granted, thus the total volume of water which may be allocated under a high security Aboriginal cultural access licence is not known. Greater certainty is needed about these licenses and how they may be granted, and the accountability of any water attached so other water users have a clear understanding of the parameters and possible impacts on other water users.

The WSP should include (under *Division 3 Requirements for water for under access licenses*) the share components of regulated river (high security) access licenses for Aboriginal and cultural use – even if the volume on issue is currently zero.

Further, it needs to be clarified how water attributed to native title holders may differ from regulated river (high security) access licences for Aboriginal and cultural, if at all.

Conclusion

NSWIC welcomes the Draft Gwydir Surface Water Resource Plan. NSWIC requests that DoI-Water respond to the afore mentioned issues. NSWIC is happy to work with DoI-Water on any of the above issues.


Chair



Submission to NSW Government on:

*Gwydir Surface Water Resource Plan Area
(SW15)*

By:

Gwydir Valley Irrigators Association Inc

November 2018



making every drop count

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1 Summary and Purpose

This document has been developed by the Gwydir Valley Irrigators Association (GVIA) on behalf of its members as a formal submission for consideration by the NSW Government during their consultation on the Gwydir Surface Water Resource Plan (SW15 Gwydir Surface Water Resource Plan Area).

This document aims to represent the concerns, views and experiences of our members, not as individuals but as a local industry. Each member reserves the right to express their own opinion and is entitled to make their own submission.

Every member of the GVIA is also a member of the NSW Irrigators Council and as such we endorse their submission unless clearly outlined otherwise.

2 Introduction

The Gwydir Valley Irrigators Association (GVIA) as the representative body for irrigation entitlement holders in the Gwydir Valley is acutely aware of the requirements for NSW to deliver Water Resource Plans in NSW by 1 July 2019 that are compliant with the *Basin Plan 2012 (Cth)*. We welcome the opportunity to provide this submission to the Department of Industry – Water (DOI-W) as part of their public consultation.

We congratulate the Department for delivering the first draft Water Resource Plan for public consultation but acknowledge that the Gwydir Surface Water Resource Plan, as the pilot, is an incomplete draft WRP. We anticipate and have recommended that further consultation will be required with the Gwydir Stakeholder Advisory Panel (SAP) and/or targeted consultation with the GVIA, following the review of submissions and prior to accreditation.

The Basin Plan requirements have clearly provided an added level of complexity and regulatory burden on NSW and stakeholders. The requirements are rigorous and in some instances the benefits questionable, when they create barriers to genuine efficiency gains

and good planning outcomes. The result is an overwhelming volume of material that in parts, is very difficult to read and cannot be easily followed without simultaneously reading multiple pieces of legislation or policies. Further consideration on ways to streamline information and present a complete picture of requirements is required.

Unfortunately, for the GVIA, the release of the draft Gwydir Surface WRP has confirmed the least desirable outcome for industry and our communities, which are new versions of our regulated and unregulated Water Sharing Plans (WSPs) with minimal changes. Effectively, in some instances locking in inefficient and/or unnecessary rules for another 10-years.

The frustration felt by industry is exacerbated because the implementation of the Healthy Floodplains Project is incomplete and is unlikely to address the agreed policy objectives of bringing legitimate, historical access into the licencing framework but be used as an opportunity to reduce access and increase regulation, on a targeted group of water users.

As part of our review, the GVIA has focused our resources on the WSP component of the WRP package. As such, we have provided several recommendations to change administrative and material issues within both the regulated and unregulated WSP. There is no reason as part of the current consultation process, why changes cannot be made to either WSP, where it can be clearly demonstrated the rules are unnecessary or creating an impact, for no clear purpose and amendments do not undermining other's rights or outcomes. We recommend that a genuine attempt to improve these aspects are undertaken in both WSPs.

Although in some instances, our recommended changes will not be the responsibility of DOI-W but of other agencies within the NSW Government. We ask that these issues are highlighted to the appropriate authorities and addressed accordingly.

It is important to highlight that there have been significant improvements in the development of WSPs. The clarity between objectives, strategies and measures are welcomed and the mapping of these to rules is very important to provide a line of sight for stakeholders. Improvements in the readability of many provisions and providing clear direction, where the previous plan was silent, will help to enable a shared understanding of the various rights and priorities of different users under a range of water availability scenarios. The new opportunities for environmental water managers, to add value to their held-environmental water portfolios with targeted delivery of planned environmental water should also be recognised as key positive outcomes. These changes signify the maturity of environmental planning and delivery in our region and are supported.

We welcome further discussions with the GVIA to work through many of the complex issues identified within this submission. We have provided a list of our 58 recommendations at the end of this submission and separated these into general comments and those relevant to the two WSPs.

3 About the GVIA

3.1 Our region

The Gwydir Valley Irrigators Association (GVIA) represents more than 450 water entitlement holders in the Gwydir Valley, centred around the town of Moree in North-West New South

Wales. Our mission is to build a secure future for its members, the environment and the Gwydir Valley community through irrigated agriculture.

The Moree Plains Shire region alone is highly dependent on agriculture and irrigated agriculture for economic activity contributing over 72% of the value of gross domestic product (cotton is around 60%), employing 20-30% of the population and accounting for almost 90% of exports from the Shire¹.

The 2011 agricultural census estimates that the total value of agricultural commodities for the Moree Plains Shire region was \$911,951,079 up from \$527,744,851 in the 2005-06 census. This is an estimated 7.83% of NSW's total agricultural production from a 1,040,021Ha principally used for agricultural crops².

The Gwydir is characterised as having low water reliability with most water held as general security water with a reliability of 36% (that means irrigators could expect in the long-term just over a third of their entitlement can be accessed). Supplementary water entitlement is somewhat more reliable with 55% but accounts for less than a quarter of the total volume. Groundwater reliability is considered 100% but there is less than 30,000ML available.

The total volume of water available to be accessed by irrigators has been reduced significantly over time due to reforms as outlined below in Table 1: Summary of Water Reform. Entitlements owned for environmental purposes totals more than 186,000ML, which includes an Environmental Contingency Allowance (ECA) of 45,000ML. The NSW and Commonwealth environmental water managers are now responsible for 28.5% of high security entitlement, 29% of general security entitlement and 13% of supplementary entitlement for environmental use. Despite environmental water being held in the Gwydir prior to the first water Sharing Plan. Environmental water is primarily used to contribute waterbird and fish breeding events and to maintain the condition and extent of the internationally recognised Gwydir Wetlands but as the portfolio has grown, so has the application and use of environmental water.

As a result, only approximately 19% of the total river flows are available for diversion for productive use³. This equates irrigators holding 575,000ML from regulated entitlement (high security, general security and supplementary water) and 28,000ML available from groundwater aquifers.

Table 1: Summary of Water Reform

Year	Program	Volume of entitlement
1970	Creation of replenishment flow	5,000ML
1995	Murray-Darling Basin 1993/94 Interim Cap established to limit future growth in access	
1996	Voluntarily reduced their general security reliability by 5%, by establishing the original	25,000ML General Security

¹ Cotton Catchment Communities CRC Communities and People Series 2009

² 2010 2011 Agricultural Census Report – agdata cubes, 71210D0005-201011 Agricultural Commodities, Australia

³ Based on IQQM long-term modelling and the volume of water purchased for the environment

Year	Program	Volume of entitlement
	Gwydir Valley Environmental Contingency Allowance (ECA) of general security equivalent water.	
2004	Gwydir Regulated River Water Sharing Plan further reduced reliability by 4%, primarily through increasing the ECA and enhancing its use and storage provision. Rules created for the WSP also reduced access, particularly to supplementary flow previously known as high flow.	20,000ML General Security
2006	Lower Gwydir Groundwater Source Water Sharing Plan reduced groundwater entitlements from 68,000 megalitres to 28,700 megalitres.	39,300ML Groundwater
2008 +	NSW State Government has purchased general security entitlement as well as supplementary for wetlands recovery programme.	17,092ML General Security 3,141ML Supplementary
	NSW Government infrastructure works	1,249ML High Security
	Commonwealth buy-back program.	88,133ML General Security 20,451ML Supplementary
2016	Commonwealth infrastructure programs.	4,508ML High Security 1,392ML General Security
TOTALS		5,757 High Security 156,617ML General Security (including ECA) 23,592 ML Supplementary

The main broad acre irrigated crop is cotton with irrigated wheat, barley and Lucerne also occurring depending on commodity prices. The total broad acre irrigated area is approximately 90,000 ha (although recent analysis indicate that maximum planting area is now 70,000ha) but is rarely cropped in one year. In 2010-11 census data indicated the total production value of irrigated cotton was \$623M and is estimated to be worth three times that to the local community using the Cotton Catchment Communities Research Corporation economic multiplier for cotton regions⁴.

Currently there are also pecans, walnuts, oranges and olives being grown within the region covering approximately 1,500 hectares and generating an estimated \$31M with considerable benefits to the local community as a high intensity, permanent crop. There is significant potential for expansion into horticulture and improvement in water utilisation but the area of expansion is limited by the availability of high security water.

⁴ Social and Economic Analysis of the Moree Community, 2009. Cotton Catchment Communities CRC

Changes in water availability either through climate or government policy has a direct impact on the productivity of the region as well as on the local economy. Analysis by the Murray Darling Basin Authority highlighted this relationship during the northern review and revealed that for both Moree and Collarenebri social and economic indicators declined through 2001 to 2011 including education, economic resources and disadvantage, resulting in an estimated 200 jobs lost due to the implementation of the Basin Plan in the region.

3.2 What we do

The GVIA's mission is to build a secure future for our members, the environment and the broader Gwydir Valley community through irrigated agriculture, we can do this together by making every drop count in the river or the aquifer, on-farm, for the environment, or for our community⁵.

GVIA members hold entitlements within the Gwydir regulated and un-regulated surface water areas, in addition to groundwater resources. All of which are managed through water sharing plans, which have been progressively developed since early 2000.

The GVIA organisation is voluntary, funded by a nominal levy, cents/megalitre on regulated, unregulated and groundwater irrigation entitlement. In 2016-17 the levy was paid and supported by more than 84% of the eligible entitlement (excludes entitlement held by the NSW and Commonwealth governments).

Much of the activity of the association revolves around negotiating with government at a Federal, State and Local level to ensure the rights of irrigators are maintained and respected. While the core activities of the Association are funded entirely through the voluntary levy, the Association does also undertake programs to maintain and improve the sustainability of members on-farm activities and from time to time, undertakes special projects, which can be funded by government or research corporations.

The Association is managed by a committee of a minimum 11 irrigators and employs a full-time executive officer and a part-time administrative assistant, as well as hosting a Project Officer funded through the Cotton Research and Development Corporation, the Gwydir Valley Cotton Growers Association and the GVIA.

The GVIA and its members, are members of both the National Irrigators Council and the NSW Irrigators Council.

3.3 Contacts

Gwydir Valley Irrigations Association

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⁵ For more information, see our corporate video on <https://vimeo.com/177148006>

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4 General Comments

4.1 Water resource plan development

The requirement under the *Basin Plan 2012 (Cth)* to prepare a Water Resource Plan (WRP) has provided an added level of complexity and regulatory burden on the NSW Government and stakeholders that cannot be overlooked and must be acknowledged. The requirements are rigorous and in some instances the benefits questionable, when they create barriers to genuine efficiency gains and good planning outcomes.

The fact that the Gwydir Surface Water Plan includes a total of 953 pages of information across ten schedules, multiple appendices to these schedules and three appendices is in our opinion, regulatory over-kill. It is unrealistic to expect that industry representatives, individual water entitlement holders or community members without background in hydrology, environmental science or law could possibly provide input into this process.

Now, following the completion of several WRPs for NSW, the requirements should now be revised to ensure that they are relevant and practical and provide the appropriate flexibility to Basin States to manage their water resources to achieve overarching objectives.

For example, the requirement (or interpretation) to implement a two-stage compliance regime for NSW and Basin Plan monitoring of water extractions presents unnecessary regulatory burden on governments and additional risk on water users and communities. Not to mention the difficulties in understanding what are the compliance requirements, where an individual must have knowledge of, or copies of each of the following documents to read the appropriate part of the WRP or WSP, including:

- a) *Basin Plan 2012 (Cth)*;
- b) *Water Act 2007 (Cth)*;
- c) *Water Management Act 2000 (NSW)*;
- d) Relevant WSP;
- e) MDBA's Reporting and Compliance Framework⁶; and
- f) Relevant resource description reports or current water usage information from the register.

The fact that to read either the WRP or the WSP, you need to have at least documents a) – e) available undermines the overall readability of the documents and the ability for individuals to understand the rules.

⁶ 2018, Sustainable Diversion Limit Reporting and Compliance Framework, MDBA <https://www.mdba.gov.au/sites/default/files/pubs/SDL-Reporting-Compliance-Framework-Nov-18.PDF>

We recommend an evaluation of the Basin Plan requirements for Water Resource Plans be undertaken, following the completion of the first tranche of plans to assess their relevancy, practicalities and effectiveness in enabling positive water sharing outcomes.

4.2 *Water sharing plan reviews*

The development, review and implementation of Water Sharing Plan (WSP) are core aspect of the GVIA's role in representing irrigation entitlement holders in the region. We as a result have participated throughout the review and development phase, initiated in 2013 which has culminated in the development of the draft Water Resource Plan. Whilst the protracted development process has been frustrating, we have fully participated on the belief that all stakeholders would have a genuine opportunity to evaluate the effectiveness of the previous plans, review and amend these plans where necessary.

Unfortunately, the reality for us and many others within the Murray Darling Basin regions, is government delays, poor resourcing and an inability to make decisions at multiple levels of government has resulted in minimal changes to our plan and the unlikely opportunity for others. This is the least desirable outcome for industry and our communities. As WSP have in some instances, 'locked in' inefficient and/or unnecessary rules for another 10-years.

The frustration felt by industry is exacerbated in the Gwydir Valley because the implementation of the Healthy Floodplains Project is incomplete and is likely to not address the agree policy objectives of bringing legitimate, historical access into the licencing framework but be an opportunity to reduce access and increase regulation, on a targeted group of water users.

As such, to rebuild this missed opportunity we recommend that a genuine response is made to amend plans where material and administrative changes can be identified that do not undermine the rights of others or outcomes. We have made several recommendations where changes should be made to enhance water sharing outcomes rather than detract from them in both the regulated and unregulated WSP.

Further to this, we also recommend that for issues that cannot be addressed without further assessment, a statutory mid-plan review is included in all water sharing plans in NSW and that all outstanding issues from this current process are included as an appendix to the water sharing plan so that a formal record of the issues to be considered are maintained on the public record.

To initiate the development of such a record in the Gwydir, we recommend the following outstanding issues be recorded as a priority for future reviews:

- Model upgrades are completed to allow for the thorough analysis of the benefits of carryover for supplementary allocations;
- The relevancy, benefit and impact of the Interim North West-Flow Plan (now Schedule 1 of the Water Sharing Plan for the Gwydir Regulated River Water Source);
- Incorporation of floodplain harvesting entitlements and regulatory impact of these on the local community (if these are implemented prior to 1 July 2019).

We recommend that a mid-term review of water sharing plans is included in each plan and that outstanding issues are recorded as an appendix.

We also recommend that the NSW Government provide a commitment to NSW communities to appropriately fund monitoring and evaluation of NSW water sharing plans to genuinely collect the information available to inform both the mid-term review and the 10-year review.

We recommend that the NSW Government adequately resource the monitoring and evaluation of water resource plan (and water sharing plans) to enable a thorough and genuine mid-term and final review.

4.3 *The water resource plan package*

We acknowledge that the Gwydir surface WRP is a document for the Murray Darling Basin Authority and not for water access entitlement holders. However, NSW has provided simple techniques to help address the MDBA requirements but also ensure readability of the WRP.

The GVIA acknowledge that the WRP on public exhibition is an initial draft and we expect further consultation and opportunity to review further drafts, prior to submitting it for accreditation by the MDBA.

We note that there are occasional references to the Water Sharing Plan for the Gwydir Alluvium Water Source in this WRP and question whether these references are appropriate considering the Plan forms part of the Gwydir Alluvium WRP.

We recommend further consultation following review of submissions on the WRP and completion of unresolved elements of the WSPs, prior to any accreditation by the MDBA.

4.3.1 *Water sharing plan*

The core document and focus of the GVIA's resources has been on the WSPs and not the WRP. We have made specific recommendation to each of the WSP in the following sections.

However, as outlined above, the GVIA was disappointed that key elements of the water sharing plans in both the regulated and unregulated systems are missing as part of this public exhibition process. The exclusion of floodplain harvesting entitlements due to delays in the implementation of the Healthy Floodplains Project, result in sections of the WRP and the WSPs being incomplete. The fact that there is neither a long-term average annual extraction limit or reportable sustainable diversion limit, undermines the ability for industry to review risk to water users and the community.

We note that general template changes to the WSPs within the WRP package have improved ability to understand the relevant provisions and provide linkages between objectives, strategies and measures which is welcomed. But as outlined earlier, the requirement to need multiple documents, acts to reduce this improved readability of the plan. The density and lack of consolidation may act to limit the ability of users to comprehend the rules, and result in a lack of clarity. We are concerned that this complexity may also broaden the scope of interpretation.

We recommend continuing to utilise notes to comprehensively expand on relevant provisions that require linkages to other key legislation, to provide greater clarity and reduce interpretation.

Furthermore, with the Gwydir Surface and Alluvium WRPs being on public exhibition simultaneously, the GVIA had the opportunity to review both WRPs. In doing so, we noticed

inconsistencies between these plans in terms of language (around compliance) and drafting. Particularly around the use of notes and the level of detail provided within the plans for key provisions.

We recommend that consistency between approaches is maintained where possible.

4.3.2 *Connectivity in the Gwydir*

The Gwydir Surface WRP outlines there is “significant hydrologic connection between water resources of the Gwydir surface water resource plan area and other surface water resources down stream of this plan area”⁷.

The GVIA raised concerns with the classification of “significant hydrologic connection” in our advice to the Department in April 2018⁸. This is largely because:

- The Gwydir is a closed hydrological system as it is an inland delta that finishes in a terminal wetland – all water once flowed to the Gwydir wetlands.
- The Gwydir Valley now contributed greater end of system flows due to water sharing plans, than historically before dam development.
- There remains limited capacity to divert water out of the Gwydir system due to system constraints, these also make it inefficient to send water out of the Gwydir as losses would result in minimal water reaching its destination. These limitations should be referenced in the WRP.

We recommend that the level of significance be redefined and that channel constraints are represented as part of the narrative provided in the WRP.

We recommend removal of the alluvial references as this would be presented in the alluvium and groundwater WRP.

4.3.3 *Risk assessment*

The GVIA acknowledges several amendments to the look and readability of the Risk Assessment for the Gwydir Surface Water Resource Plan – Schedule D, from the earlier version presented to the Gwydir Stakeholder Advisory Panel in April 2017.

Whilst this change and the inclusion of a risk treatment pathway and the summarising of risk outcomes are welcomed, a quick comparison revealed several overall risk rating changes between the two version for example:

Table 4-16 Risk of increased BLR extraction impacting on water available for the environment in unregulated water sources of the Gwydir Surface WRP⁹ has different overall risk ratings as compared to the previous version of the same table, being Table 10: Risk of insufficient water for the environment due to basic landholder right extractions¹⁰.

⁷ Page 21, Gwydir Surface Water Resource Plan, 2018

⁸ GVIA letter to DOI-W, template feedback, April 2018.

⁹ Page 41, Risk Assessment for the Gwydir Surface Water Resource Plan Area (SW15): Part 1, 2018.

¹⁰ Page 38, draft Risk Assessment for the Gwydir Surface Water Resource Plan Area (SW15), 2017.

A review of the leading documentation does not indicate either new information or a change in methodology, yet the results for Gingham Watercourse, Millie Creek and Thalaba Creek have all increased to higher risk profiles.

There was not documentation to suggest that there have been material changes to the risk assessment and hence, we ask what is driving these changes and what other changes exist within the Risk Assessment.

Understanding these changes are important considering that the Risk Assessment sets the foundation for planning for environmental water use and the setting of objectives and measures for the Water Sharing Plans.

We request further consultation on the material changes on the Risk Assessment.

4.3.4 Incident response guide

We request that stakeholder consultation be engrained within the incident response guide and that appropriate lead time is provided at each criticality level, to ensure that stakeholders are aware of the issues and strategies at the time of implementation.

4.3.5 Long-term environmental watering plan

The GVIA will be providing comments directly to the NSW Office of Environment and Heritage (OEH) on the Gwydir long-term environmental water plan.

Our initial review recommends that clearer identification of what risks can be managed through environmental water actions should be considered as well as further development of water requirements for the environment based on these principles.

5 Water Sharing Plan for the Gwydir Regulated River Water Source

5.1 Part I: Introduction

Section 1 Name of Plan, we suspect should read:

“Water Sharing Plan for the Gwydir Regulated Water Source 2016 (amended 2019)”

Recommended that NSW use the updated name of the Plan being *Water Sharing Plan for the Gwydir Regulated Water Source 2016 (amended 2019)* as “this Plan”.

The GVIA notes that there have been drafting changes to remove previous reference to Water Act 1912. We ask is this because all licenses in the plan areas have been converted? And then wonder why this section does not read as repealed rather than just removed?

5.2 Part 2: Vision, objectives, performance indicators and strategies

We note that the NSW Government has included a forward note to provide acknowledgement to traditional owners as a new addition to the Plan as part of NSW led changes to the WSP template.

We note that in this process, that there has been a change in language from the use of ‘sharing’ to ‘efficient use’ as part of the drafting of the vision and objectives. It is our opinion that the core purpose of the plan is to efficiently share water resources between users and that it is then up to those users, how they utilise their rights.

We recommend that the Plan vision and state-wide template for Section 7 Vision Statement be amended to:

The vision for this Plan is to enable the sustainable and efficient sharing of water to:

- **maintain or enhance water source and water dependant ecosystems health;**
- **encourage productive and economic use of water resources;**
- **deliver social and cultural benefits to urban and rural communities; and**
- **deliver spiritual, social, customary and economic benefits to Aboriginal communities**

Thus, reinforcing the core role of a Water Sharing Plan, while maintaining the secondary goals for communities, the environment and the economy.

The GVIA note that the expanded objectives separate each of the key beneficiaries of the water sharing as separate themed objectives being environmental, economic, social and Aboriginal. This process offers significant improvement to the identification of objectives but also the alignment of these with strategies and key performance indicators.

However, the GVIA notes the consistent ordering of these as environmental, economic, social and Aboriginal in some way suggests prioritisation of these beneficiaries. As such we recommend providing a note to indicate that this is not the case.

Recommend providing a note that the ordering of beneficiaries of water sharing does not suggest a priority of order or hierarchy. Priorities for water sharing are provided for in later sections.

The GVIA note the objective in Section 8 (2) (a) (iii) states *“to protect and, where possible, enhance the following over the term of this Plan: the connectivity between water sources to support downstream processes including priority carbon and nutrient pathways and priority fish passage”*.

Yet a note (Note 3) reads *“Downstream processes may include maintaining connectivity with downstream water sources”*, which appears circular in nature; suggesting that connectivity is important for downstream processes which can be, to provide connectivity. While the GVIA supports that connectivity between water sources is an underlying objective of the Plan. All other objectives are supported through articulation of benefits to “targeted populations” or “ecological conditions” which can then be subsequently measured. Whereas, the third note in this section, suggests that any connectivity, regardless of what benefits it may or may not provide, can be supported as part of this plan despite the region having a historical low connectivity down stream as all water flowed towards the Gwydir Wetlands.

We recommend that Note 3 from Section 8 (2) (a) (iii) is removed.

We note that the Plan clearly outlines the following environmental strategies of the Plan in Section 3 (a) – (e) being:

- a) reserves water for the environment as per water outside of LTAAEL.
- b) natural flows include reservation of minimum flows with three tributaries provided first 500ML to the wetlands and subsequent flows being 50% shared
- c) reiteration as per above.
- d) Environmental Water Allowance.

e) downstream requirements.

Whilst these strategies can be argued to outline rules to address either critical water needs or planned environmental water requirements, they do not address how that the establishment of the Plan framework provides additional opportunity to utilise held environmental entitlements and allocations in a predictable yet flexible way water (as stated in Section (3)(a) and (b) under economic strategies). An additional tool to environmental water managers now is their broad and diverse portfolio of held environmental water, which can be utilised to the benefit of the environment.

We recommend that two additional strategies in Section 8 (3) be included to reflect those in the economic strategies, that aim to provide a stable and predictable framework for the sharing of water among water users and where possible to provide for the flexibility to access to water.

For economic strategies, we note that the Plan focuses on water trade as measures of success. We recommend expansions of measures to be crop output and value, as to clearly articulate the economic benefits of the Plan.

We recommend Section 9 (5) be expanded to measures other than water trade, including but not limited to crop output and value.

We note that social and cultural objectives largely include outcomes for fish or access to water either for stock domestic rights or recreation. We are concerned that these objectives could be interpreted as now drivers to water sharing rather than as secondary benefits for example, with recreation and fish population outcomes. Hence, we ask for greater clarity around the relative importance of each of the objectives in water sharing decisions.

5.3 Part 3: Planned environmental water provisions

We note that Section 13 (a)-(c) acts as an amended definition of planned environmental water than in the previous WSP that reads to be all water other than that committed to Basic Landholder Rights or extraction. While consistent, such changes should have been highlighted to stakeholders as part of the consultation.

We further note, that the current version of the Plan removes the previous objectives for environmental water provisions and these are not included elsewhere in the Plan. While the Plan does refer to the NSW Environmental Water Manager and its relevant plans (which must be consistent with the Basin Wide Watering Strategy).

The exclusion of EWA objectives for use of environmental water, ignores the history of environmental water management in the Gwydir Valley. This change coupled with the removal of the statutory Environmental Contingency Allocation Operations Advisory Committee (ECAOAC) and the delegation of all environmental water responsibility to NSW Office of Environment and Heritage has the potential to remove local input into environmental water decision making framework.

Communities and impacted landholders, together with industry, must be assured of a future role in decision making and implementation of environmental water use in their regions. The benefits of local knowledge and empowerment of communities to be part of the decision-making process should be engrained within the Plan rather than delegated to other authorities, that over-time may have a difference of opinion. We therefore, recommend

maintaining a provision to clearly outline the role and purpose of an Environmental Water Advisory Group (EWAG) including at a minimum, that its composition includes local representatives with a balance of environmental, economic and social interests. There is opportunity to move towards skills-based selection of committee representatives as well.

Recommendation that Part 3 being amended to include the overall objectives, role and composition of Environmental Water Advisory Groups, rather than a full delegation of powers to NSW Environmental Water Manager or NSW Office of Environment and Heritage.

5.4 Part 4: Requirements for Water

The GVIA questions why the start date for all entitlements is listed as 1 April 2019. We appreciate that the Floodplain Harvesting component may not be decided until this time, but we are unsure why this would affect other forms of entitlement.

Recommendation for NSW to provide clarity as to why the entitlement dates are as of 1 April 2019 and not 1 July 2019 for instance.

The GVIA notes that in the notes for Section 14, the total share components of access licences in the water source may change during the term of this Plan where as the previous plan allowed for access licences to be increased where estimates were provided. The GVIA wants to ensure that the granting of new licences allowed under this section, will not be to the detriment of the security and reliability of existing water access licences otherwise it is likely to trigger Section 87 of the *Water Management Act 2000 (NSW)*. For example, how the granting of new access licenses under Part 6 of this Plan can be made without impacting the current supply and reliability of other entitlements.

Furthermore, the GVIA seek clarity around drafting with Basic Landholder Rights, which appear to be given the highest priority order of rights in the Plan and are defined as domestic and stock rights (not access licences), native title rights and harvestable rights (excluding rainfall runoff). Firstly, the GVIA do not see these rights as having a higher priority than other essential supplies such as stock and domestic rights, water utilities and high security licence holders (see discussion on Part 7). Furthermore, there is little information on water requirements for these forms of take, yet they are required to be met prior to the allocation of other water entitlements which makes demonstrating compliance with such a rule impossible.

We also ask for greater clarity around the process and accountability of issuing Native Title Rights under *the Native Title Act 1993 (Cth)* and how estimates for water requirements and usage will be incorporated and managed, when and if any such claims arise.

We recommend that a note be added to this section outlining the NSW Government's intention to develop reasonable use guidelines for Basic Landholder Rights and whether this should include Native Title Rights.

In addition, there remains uncertainty around the two forms of cultural water currently within the Plan.

We recommend information be provided to clearly delineate the two forms of cultural water within the Plan; Native Title Rights and the granting of a Specific Purpose access licence for Aboriginal Cultural purposes.

Finally, for improved transparency we recommend that the split of unit shares for held environmental water is provided and that it be considered appropriate to also indicate cultural water unit shares, when and if these become available.

We recommend for clarity proposes a note in Section 20, 22 and 23 be added to outline the current held environmental water component of these unit shares rather than as the note in Division 3.

5.5 Part 5: Bulk access regime

We note that Section 24 (1)(d) should be linked to dealing rules in this part as was in the old Plan but note they are in Part 9.

5.6 Part 6: Rules for Granting licences

As outlined under our comments in Part 4, there needs to be clarity around how the issuing of new Special Purpose licences will be made without having third party impacts on other entitlements and potentially triggering compensation.

The GVIA would have also expected to see provisions for the granting of new local utility licences within this section of the Plan.

We recommend that a provision for these is included to future proof our region, as per Section 66 of the *Water Management Act 2000 (NSW)*.

5.7 Part 7: Limits to the availability of water

This is a core component of the Plan and the most difficult to read and understand. A stakeholder could not ascertain from this Plan, what limits they must comply with and by when without referring to multiple sources of documentation and waiting for the completion of the Floodplains Harvesting Project.

We recommend a thorough review of the language and use of external references (rather than directly referencing requirements) in Part 7 following the completion of the Healthy Floodplains Project and advice on the requirements to include Basin Plan compliance mechanisms within the NSW Water Sharing Plan.

Clarity around whether the two forms of compliance must be within the Plan should be provided. We would argue that water management still constitutionally resides with State governments and as the Plan is an NSW instrument, we are unclear if it is required to refer to cumulative compliance requirements for the *Basin Plan 2012 (Cth)*. A schedule to the Water Resource Plan could be developed to provide the method for calculation and assessment, reasonable excuse provisions and compliance steps, relevant for Commonwealth legislation be prepared separately. This would avoid confusion by clearly separating the two forms of compliance that NSW water users will now be assessed against.

We recommend that cumulative compliance requirements are removed from the Plan and provided in separate schedule that includes full disclosure of Basin Plan requirements including methodologies, assessment processes and reasonable excuse provisions. We recommend that if this cannot occur, at a minimum the specific Basin Plan requirements are included within the Plan, including notes regarding reasonable excuses for non-compliance.

However, if Commonwealth requirements must be included within the Plan, we recommend that the cumulative compliance method and assessment process, reasonable excuses and compliance steps are included within the Plan rather than referring to the Basin Plan and its various schedules. We also recommend that there is consistency in language between plans.

We note that Division 2 Section 28 (2) (b) includes Basic Landholder Rights (BLR) plus share components, whereas the previous Plan did not require an estimate of BLR. The GVIA asks how this estimate will be provided and therefore monitored at the implementation of this Plan.

The GVIA seeks clarification of how the LTAAEL is varied for licenced environmental water and recommends adding a note that explains what variations have been made, for example, 45,000ML of Environmental Water Allowance and the 3,949ML of Adaptive Environmental Licence.

We note that the calculated average annual extraction in Division 2 Section 29 provides a more streamlined version of compliance than in the previous plan which is welcomed. However, as the LTAAEL comparison will be the only tool by which NSW can monitor environmental water growth, we consider it appropriate that strategies to identify the source of growth be considered as part the Plan.

Furthermore, we consider that a review of the appropriateness of the 3% variation between model comparisons be undertaken with consideration of a 5% trigger more appropriate considering inherent model uncertainty and additional estimates for BLR. The changes present no risk to environmental water managers as productive users will be monitored under Basin Plan compliance requirements. This would also provide consistency between other WSPs.

Recommendation that Section 30 (2) be amended to be by 5% or more.

Furthermore, we note that this section does not deal with non-compliance to the LTAAEL and that this is presented later in Division 4.

We recommend that 'Actions following non-compliance' follow directly after Section 30 Assessment of compliance with the long-term average annual extraction limit, for ease of reading.

Although Division 3 is recommended to be removed as per above. A review of the wording and language must also be undertaken prior to the development of a separate Schedule. All requirements should also be inserted rather than referred to as ease of reading.

The GVIA also has not been informed of a decision from either NSW Government or Ministerial Council regarding the allocation of shared component of water recovery for the Basin Plan.

We recommend the NSW Government engage with GVIA and other Northern Basin industry bodies regarding the apportionment of shared reductions for the Basin Plan.

Division 4 outlines actions following non-compliance and should be inserted following the assessment process rules earlier in the Plan. Prior to determining a compliance action, we recommend that the Minister should consider considering the antecedent conditions and

seasonal forecast of water availability and usage, as part of the assessment of risk of continued non-compliance.

Recommendation that Division 4 Section 34 (6) to include information relating to the continued risk of non-compliance including antecedent conditions and seasonal forecast of water availability and usage.

The GVIA questions the limitation on high security available water determination under Division 5 following the provision of water losses associated with the holding and delivery of 'environmental water rules' and BLR. Whilst the GVIA appreciates that provisions for all held water licences or accounts should be reserved prior to making an AWD, the use of 'environmental water rules' suggests this could incorporate other planned or adaptive rules as part of the Plan.

Furthermore, the inclusion of BLR which is not known and currently not accounted for in Copeton Dam but is rather operationalised as 'delivery losses' suggests it has higher priority of use than entitlements such as high security.

We recommend that Division 5 Section 38 (2)(a)(i) be amended to read, to meet existing allocations within environmental water allowance accounts. In addition to (ii) being removed.

The GVIA note that one change to the water sharing plan was to provide clarity on how water was to be allocated to the Environmental Water Allowance account. We question the location of rules for provided Available Water Determination to the EWA in Part 10 Division 2, rather than in Division 5.

We recommend that rules for provision of AWD for EWA are provided in Division 5 and reference in Part 10.

5.8 Part 8: Water allocation management rules

We note that changes to Division 1 Section 42 (1) do not include rules for debiting the EWA adaptive environmental licences or special purpose licences. Whilst EWA rules are provided later in Part 10, no provisions remain for the other licence types that could exist.

We recommend that consideration be given to provide clarity around how debits from water allocation accounts will be undertaken for adaptive environmental licences and special purposes licences.

Whilst the GVIA supports the inclusion of a mechanism to allow for the capturing of uncontrolled flows. There is no detail on how these amounts will be determined and measured which should be considered prior to implementation.

The GVIA notes that Division 2 does not include a reference to minimum flow requirements in Part 10 Division 1 Section 57, which provide the three tributary calculations into the Gwydir Wetlands.

We recommend that Section 48 be amended to include reference to uncontrolled flows greater than the minimum flow requirements in Part 10 Division 1 Section 57 for flows within the Gwydir River.

The GVIA has throughout the WSP review and WRP development process asked for the rules now referred to in Division 2 and listed in Schedule 1 (known previously as the Interim North-West Flow Plan) to be revised due to updated modelling in catchment areas, the

Northern Basin Review and the relevancy of science objectives being targeted and the effectiveness and impact of restricting supplementary flows to achieve these targets¹¹.

To date, the GVIA has not received any information regarding the relevancy of these targets under the Basin Plan and their impact to water users, if they were implemented.

We recommend urgent consultation with the GVIA and other northern Valleys industry groups and environmental water managers, to discuss the relevancy and impact of these restrictions to supplementary water access.

We do welcome drafting changes to ensure an assessment of effectiveness is included as part of the adoption of this restriction. However, the Plan is silent regarding the process for assessing and communicating a restriction and how communities and industry are engaged in this decision.

We note that slight wording changes has removed the allowed for supplementary allocations to be used to meet downstream orders which is common practice of the operator and should be reflected.

We note that this Section 48 (2)(b) refers to subclause (4)(c) rather than (3)(c)

A new section, Section 49 Management of residual water has been added in-line with discussions during Stakeholder Advisory Panel meetings and listed in the fact sheet¹². However, the drafting of the clause does not align with the GVIA's understanding of the intent for the Environmental Water Manager to have control over the portion of water not accessed and not needed for delivery of the allocated portion of supplementary water.

We recommend that Section 49 (1) be amended to read that the supplementary event volume that the Minister has not permitted to be taken under clause 48 or that is determined by the operator to not be needed to deliver that portion of water to its designated area, can be directed by the NSW Environmental Water Manager to manage environmental assets.

5.9 Part 9: Access licence Dealing rules

We note that there has been a re-drafting and streamlining of the access dealing rules which is welcomed. However, we uncovered that for 71R dealings the previous note was removed from the Plan regarding connectivity of the Gwydir to other water sources. This note is important in reinforcing the level of connectivity that the Gwydir has with its surrounding catchments.

We recommend that Section 52 should include the following note: The degree of hydrologic connection between the Gwydir and other Murray-Darling river systems is insufficient to permit dealings between the Gwydir and these systems to occur.

¹¹ For example, refer to GVIA submission to the NSW Government and Natural Resources Commission on Water Sharing Plans, dated February 2013, and more recently GVIA advice on WRP template, April 2018.

¹²https://www.industry.nsw.gov.au/_data/assets/pdf_file/0010/178768/Gwydir-surface-changes-regulated-wsp-fact-sheet.pdf

5.10 Part 10: System operation rules

The GVIA welcomes new rules to provide greater flexibility in how environmental water managers can achieve outcomes with their water as proposed within the Plan.

However, we would anticipate that the NSW Environmental Water Manager would engage the local Environmental Water Advisory Group (EWAG) as part of their process to make recommendations on the possible benefits of such a decision.

As such we recommend that Division 1 Section 58 and 59, read that all delegations to the NSW Environmental Water Manager, should seek EWAG advice in preparing strategies to utilise environmental water.

Furthermore, as outlined earlier more information around the statutory role of the EWAG should be reinstated and included in Section 60, including at a minimum, that its composition includes local representatives with a balance of environmental, economic and social interests. There is opportunity to move towards skills-based selection of committee representatives as well.

As outlined earlier we recommend locating accounting rules and AWD processes in the one location, or at a minimum refer to these between two locations to provide improved readability.

Drafting changes in Division 3 suggest that BLR and Native Title Rights are provided the highest priority of water extractions in the Plan. We do not consider this the current hierarchy of priority particularly when BLR allocations are not well understood, are not currently accounted for and are not monitored. Hence, we recommend a re-drafting so that BLR, local water utilities, stock and domestic and then High Security entitlements, followed by all other entitlements is listed as the priority of allocations and extractions. We note that EWA and general security entitlements have the same level of priority.

We recommend the re-drafting of entitlement priorities to have BLR and stock and domestic and local water utilities the same level of priority, then High Security and all other entitlements and/or allocations.

Furthermore, we recommend that Section 66 be amended to clarify that priority of extractions to EWA do not include High Security as these should be considered a higher priority entitlement than EWA, which are more representative of General Security.

We note that the draft Plan, does not refer to a general priority of extractions and whether this should be considered as part of managing access as per Section 45 of the current Plan, being:

45 General priority of extractions

Where extraction components of access licences do not specify the rate as a share of supply capability or a volume per unit time, the following priority of extractions shall apply whenever supply capability is insufficient to satisfy all orders for water in any section of this water source:

(a) water shall be supplied to domestic and stock access licences, local water utility access licences and regulated river (high security) access licences that have placed orders for water, and

(b) then any remaining supply capability shall be shared between regulated river (general security) access licences that have placed an order for water, in proportion to share components specified on the access licences.

Any consultation on priority of access should occur with the NSW Environmental Water Manager and other customers. Although the GVIA note that these rules alone may not address capacity constraints issues in certain circumstances, where held environmental water and EWA water orders are required during peak irrigation delivery and there are not shares for either these types of licences in the delivery section.

Recommendation that priority off access clause in Section 66 be re-drafted to clarify the priorities with consideration to the current Plan’s provisions and incorporate engagement with Environmental Water Managers and customers, if a conflict occurs.

5.11 Part II: Mandatory Conditions

The GVIA notes that mandatory conditions within this Plan would need to be updated to match the recently released Water Management (General) Regulation 2018 for non-urban water metering.

5.12 Schedules and appendices

We note that in the Dictionary, the definition of rainfall runoff should be amended to align with the current Floodplain Harvesting Policy¹³.

We recommend that Rainfall Runoff be amended to stipulate that this is off areas developed for irrigation and has the relevant exclusions.

We note that in Appendix 2 the relevant hyperlinks need to be inserted.

6 Water Sharing Plan for the Gwydir Unregulated River Water Sources

6.1 Part I: Introduction

Section 1 Name of Plan, we suspect should read:

“Water Sharing Plan for the Gwydir Unregulated River Water Source 2012 (amended 2019)”

Recommended that NSW use the updated name of the Plan being *Water Sharing Plan for the Gwydir Unregulated River Water Source 2012 (amended 2019)* as “this Plan”.

6.2 Part 2: Vision, objectives, strategy and measures

As with the Regulated Plan, we note that there has been a change in language from the use of ‘sharing’ to ‘efficient use’ as part of the drafting of the vision and objectives. It is our opinion that the core purpose of the plan is to efficiently share water resources between users and that it is then their rights to utilise this water as they see fit.

¹³ Page 4, NSW Floodplains Harvesting Policy 2018
https://www.industry.nsw.gov.au/_data/assets/pdf_file/0017/143441/NSW-Floodplain-harvesting-policy.pdf

We recommend that the Plan vision and state-wide template for Section 9 Vision Statement be amended to:

The vision for this Plan is to enable the sustainable and efficient sharing of water to:

- **maintain or enhance water source and water dependant ecosystems health;**
- **encourage productive and economic use of water resources;**
- **deliver social and cultural benefits to urban and rural communities; and**
- **deliver spiritual, social, customary and economic benefits to Aboriginal communities**

Thus, reinforcing the core role of a Water Sharing Plan, while maintaining the secondary goals for communities, the environment and the economy.

The GVIA note the objective in Section 10 (2) (a) (iii) states *“to protect and, where possible, enhance the following over the term of this Plan: the connectivity between water sources to support downstream processes including priority carbon and nutrient pathways and priority fish passage”*.

Yet a note (Note 3) reads *“Downstream processes may include maintaining connectivity with downstream water sources”*, which appears circular in nature; suggesting that connectivity is important for downstream processes which can be, to provide connectivity. While the GVIA supports that connectivity between water sources is an underlying objective of the Plan. All other objectives are supported through articulation of benefits to “targeted populations” or “ecological conditions” which can then be subsequently measured. Whereas, the third note in this section, suggests that any connectivity, regardless of what benefits it may or may not provide, can be supported as part of this plan despite the region having a historical low connectivity downstream as all water flowed towards the Gwydir Wetlands.

We recommend that Note 3 from Section 10 (2) (a) (iii) is removed.

Further to this we note that Section 10 (2)(c) states *“to protect connectivity with the Gwydir Regulated River Water Source to support environmental watering events that contribute to the maintenance or enhancement of ecological condition within these water sources. Note. Environmental water events that contribute to these water source maybe an EWA or other environmental release that are managed in accordance with the Water Sharing Plan for the Gwydir Regulated River.*

While we agree in a board objective in all Plans to provide connectivity between water sources for identified purposes (see above), this objective goes further and suggests the need for greater protection indicating that environmental water holders, can be awarded a greater level of protection and authority than other entitlement holders. No other water entitlement holders are afforded “protection” between water sources, in fact assignment of rights and allocations between water sources is not legally permissible not to mention the

Intergovernmental Agreement on the Basin Plan Water reforms being clear on licences maintaining their characteristics regardless of their change of ownership or use¹⁴.

We recommend that Section 10 (2)(c) is amended to include a note that protections of water during environmental water releases must recognise the principles agreed to in the Intergovernmental Agreement on Implementing Water Reform in the Murray Darling Basin.

6.3 Part 3: Bulk Access Regime

No comment.

6.4 Part 4: Planned Environmental Water

No comment.

6.5 Part 5: Requirements for water

We appreciate that the Domestic and Stock rights as provided as part of the Plan have not changed but these are largely estimated that are not currently well understood or managed. We welcome the development of reasonable use guidelines for these and stock and domestic access licences.

We note that there are some inconsistencies in numbering with the repealing of certain sections of the Plan with the removal of the Gwydir Alluvium.

We recommend that for consistency, Section 22(bb) should read repealed and 22(cc) read 5,596-unit shares in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

We note that the Minister's note after Section 23A states FPH licenses unregulated are not being modelled and that new estimates will be updated in the Plan once this has been completed. However, it is our understanding for Gwydir unregulated FPH licences, the volumetric conversion process will be utilised to calculate shares rather than a model. The GVIA is unclear how this may impact the distribution of unit shares for FPH and how rainfall runoff will be calculated. We anticipate further consultation as part of the implementation of the Healthy Floodplains Project.

6.6 Part 6: Limits to availability of Water

In Division 1, there are inconsistencies between how the annual requirements in Part 5 and the Limits to availability for water in Part 6 are presented. For consistency, we recommend listing out the BLR the same.

Recommendation to amend Section 27(1)(d) the annual water requirement pursuant to BLR should be detailed out as with Section 24 share components and stock and domestic which would remove Section 27(1)(d).

¹⁴ Page 5, Section 5.2: Intergovernmental Agreement on Implementing Water Reform in the Murray Darling Basin, 2017 <https://www.coag.gov.au/sites/default/files/agreements/iga-water-reform-murray-basin-march-2017.pdf>

We recommend that 27 (1) (a) clearly outlines this includes stock and domestic access licences, local water utilities and unregulated river access licences.

We note that the Plan refers to both the long-term annual average extraction limit and the Basin Plan SDL but, in neither case, lists these limits. Clarity around what these limits are should be provided as part of the Plan rather than referring to secondary documentation.

We recommend that a note outlining what the long-term annual average extraction limit and the Basin Plan SDL are for these water sources are included in the Plan.

As with the Regulated WSP, we recommend that greater clarity is provided for users around the process for monitoring and managing compliance to the Plan and the Basin Plan, as well as notes outlining the use by environmental water (if there is any).

Whilst we note the intention of Section 30 (3)(b) is to equally reduce unregulated licences and FPH, this socialises the impact of any growth in extractions and assumes that unregulated entitlement holders equally hold unregulated FPH access licences and unregulated river access licences, which is not the case.

We recommend that Section 30 (2) and (3) are amended to consider reductions in AWD on entitlement categories where any growth has been identified and that any reductions in AWD should consider information relating to the continued risk of non-compliance including antecedent conditions and seasonal forecast of water availability and usage.

This will provide consistency with Regulated Plan but also recognise the highly variable nature of unregulated systems and assess the ongoing risk to non-compliance. We recommend that consultation is undertaken when gathering this information.

The GVIA notes that in Division 2, Section 34A indicates that unregulated FPH access licences will receive an initialisation of 2ML per unit share. This is inconsistent with the recently approved NSW Floodplains Policy¹⁵ whereby, initialisation and account management rules are to be assessed on a valley by valley basis following the completion of the Healthy Floodplains Project.

We recommend that further consultation on these rules are undertaken prior to the finalisation of the Plan.

6.7 Part 7: Rules for Granting Access Licences

No comment.

6.8 Part 8: Rules for managing licenses

The GVIA notes that Section 39 individual access licence account management rules outline the carryover and average water usage allowances for all licences. During the WSP development, the GVIA clearly identified that the Gwydir region as unpredictable intermittent (Class 7) flow regime and indicated that this flow pattern was generalised that the eastern

¹⁵ Page 11, NSW Floodplain Harvesting Policy, 2018
https://www.industry.nsw.gov.au/_data/assets/pdf_file/0017/143441/NSW-Floodplain-harvesting-policy.pdf

upper headwaters of the Murray-Darling drainage system¹⁶. Such streams are highly variable with a very low predictability, characteristics which accurately describe many of the unregulated streams within the Gwydir valley. Hence, the three-year timeframe for account management rules should be aligned with the compliance methodology to allow for this variability, extensions to carryover should also be considered.

We recommend that the Section 39 (3) be amended to read for a period of any five years after the first water year.

We recommend that consideration to carryover rules in Section 39 (4) be reviewed.

We note that on Division 2 Section 42 establishes flow classes for water sources and management zones. However, Section 42 (4) indicates that the Minister may change these and publish this information on the website. We recommend that if the Minister is to materially change flow class conditions that licence holders should be afforded the standard procedures to provide written notice, reasonable opportunity to appeal and consideration of any submissions as per the Water Management Act 2000 (NSW)¹⁷ for the amendment of any mandatory conditions.

The GVIA is aware of amendments to licence conditions whereby individuals were not duly aware, could have inadvertently been in breach of their conditions and has resulted in inconsistent rules between licences, works approvals and the water sharing plan. A process to circumvent changes being made without licence holders' knowledge, would be to ensure that the Department have a record of contact with the licence holder regarding the change and that a right of appeal is granted.

We recommend that Section 42 (4) be amended to allow for a right of appeal.

We also note that during the preparation of the initial water sharing plan, there were negotiations with the establishment of flow classes as presented in Section 42. We note during this process, the GVIA supported the efficient and effective implementation of the Gwydir Regulated Water Sharing plan rules but could not support the undermining of water users' rights to access licence entitlement.

However, despite the best efforts to engage on fit for purpose flow classes, the classification and then later interpretation of flow classes in the Lower Gingham Water Management Zone has resulted in a material impact on water users in that region. Supporting documents for the development of the Gwydir Unregulated Water Sharing Plan stated for the Gingham Water Management Zone¹⁸:

¹⁶ M.J. Kennard¹, B.J. Pusey¹, J.D. Olden², S. Mackay¹, J. Stein³ and N. Marsh⁴. Appendix 5: Ecohydrological classification of Australia's flow regimes, in Ecohydrological regionalisation of Australia a tool for management and science by Brad Pusey, Fran Sheldon, Mark Kennard, Mike Hutchinson for Land and Water Australia.

¹⁷ For example, in *Section 102* Imposition or change of conditions after approval has been granted.

¹⁸Page 28, Background document for the Water Sharing Plan for the Gwydir unregulated and alluvial water source.
http://www.water.nsw.gov.au/__data/assets/pdf_file/0010/547921/wsp_gwydir_unregulated_alluvial_background.pdf

The Gingham Watercourse Water Source is considered to have a very high environmental value due to the presence of the Ramsar listed Gwydir wetlands. In recognition of this the IRP, after extensive consultation, recommended the following suite of commence to pump rules:

- *Commence to pump at 250 ML/day measured at Tillaloo Gauge.*
- *Minimum flow depth of 1m on the Gingham Bridge Gauge and a cumulative flow of 4000 ML past the Gingham Bridge and a visible flow at Morialta Road.*
- *Establishment of planned environmental water class commence to pump.*

The justification for the above recommendations were the protection of environmental water, including releases delivered from the regulated Gwydir River, whilst continuing to provide irrigation opportunities for unregulated water users.

The incorporation of a dual condition, to be simultaneously achieved for the second flow rule, has resulted in unintended consequences to the access holder, when at the time of development, they were believed to be independent of each other.

The inconsistency of the negotiated licence, works and water sharing plan conditions in this case are also of a concern for the GVIA. Particularly if this is not an isolated case and other unregulated access licence holders have similar inconsistencies, which may result in unintended breaches of conditions. The GVIA asks for clarity around the hierarchy of conditions to which an access licence should adhere to being either; licence conditions or, works approval or the water sharing plan.

We therefore, recommend that a review of flow classes be considered, and a consistent approach applied to protect the minimum, low flow scenario that streamlines conditions and simplifies accountability.

We also recommend the NSW Government review unregulated works and licence conditions to ensure consistency of rules and provide advice to licence holders on the hierarchy of conditions that must comply with.

6.9 Part 9: Rules for managing water supply works approvals

No comment.

6.10 Part 10: Access dealing rules

We note that a key objective of the water sharing plan in Section 11 (2)(a) is to provide water trading opportunities for water-dependent economic activities, which is consistent with the Basin Plan trading rules. However, Section 55 (2) (a)-(d) established eight trading zones within four water sources in the unregulated water source areas. Background documentation for the development of the unregulated plan identified reasons for the establishment of dealing restrictions being:

- High in-stream values
- High hydrologic stress (although there is limited data on this)
- Downstream trades are permitted provided there is connectivity.
- Trades between different water sources (regulated and unregulated) are not permitted.

- Trades within water sources are allowed provided there no need to limit demand in areas of stress.¹⁹

Since the inception of the Plan, much more is known about the behaviours and utilisation of licences in the unregulated system. The GVIA questions the validity of hydrological stress used to determine the trade zones in the Upper Gwydir, Moredun, Copeton Dam and Mehi Water Sources. Noting that the Risk Assessment for the Gwydir Surface Water Resource Plan area²⁰ states that for:

- Upper Gwydir, Moredun Creek and Copeton Dam the high risks to environmental water provisions are around low and cease to flow events and the triggering water extractions but it's unclear of the actual risk versus perceived i.e. what is the known water usage in this area and how well is it monitored.
- Mehi Water source in unregulated sections have low risk to being able to meet environmental water provisions.
- Upper Gwydir, Moredun, Copeton Dam and Mehi water source there is low risk to BLR and climate change impacts.

The information within the risk assessment does not suggest to the GVIA that there is further evidence to support the maintenance of the current barriers to trade. Any barrier acts to undermine the value of a water access licence holders' entitlement and restrict the opportunity for the highest value use of the entitlement to occur.

For example, the trade restriction for the Mehi Water Source essentially limits the movement of access licences in or out, of the Mallowa Creek which is considered an environmental asset of value for NSW and Commonwealth Environmental Water Managers²¹. The restriction subsequently excludes the opportunity to trade out of this region, into the surrounding water source which would benefit the sensitive Mallowa system, reduce regulatory and policy burden on the government and reduce delivery risks for environmental water managers.

We recommend the trade restrictions within Section 55 (2) are reviewed and reassessed for their consistency with contemporary planning policies.

We recommend that the trade restriction on the Mehi River Water Source be revised to allow for the temporary or permanent trading of water access rights or allocations from the Mallowa Creek Trading zone into the surrounding water source of the Mehi River Tributaries trading zone but that trades into the Mallowa Creek Trading zone are not permitted to reduce the risk to the environmental assets.

¹⁹ Page 27, Background information for the Water Sharing Plan for the Gwydir unregulated and alluvial water source, http://www.water.nsw.gov.au/_data/assets/pdf_file/0010/547921/wsp_gwydir_unregulated_alluvial_background.pdf

²⁰ Schedule D: Risk Assessment for the Gwydir Surface Water Resource Plan Area – Part 1

²¹ See Gwydir Valley Annual Environmental Priorities 2018-19 <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Water-for-the-environment/annual-environmental-watering-priorities-2018-19-gwydir-180368.pdf?la=en&hash=E476C7EC8C2DAABE949E934770714593AC7043D0>

6.11 Part II: Mandatory conditions

The GVIA notes that mandatory conditions within this Plan would need to be updated to match the recently released Water Management (General) Regulation 2018 for non-urban water metering.

6.12 Part 12: Amendments

The GVIA notes that a new amendment provisions in Section 70 (3) for Division 1 Part 6 are added to allow for the establishment of two long-term extraction limits one for the Basin Plan and one for all other water not accounted for in the Basin Plan. The GVIA seeks clarification on the requirement for this and for consideration of consistency being language between the regulated and unregulated plans and the groundwater plans.

We see clarification on Section 70 (3).

We also question the list of other amendments in Section 77 (1), particularly the need to amend plans for the shepherding of water when it is the GVIA understanding that the NSW Government's position is to assess the active management of flows using Individual Daily Extraction Limits or other tools to provide protection of held environmental water entitlements,

We recommend the removal of Section 77 (1) (c) in preference for the in-principle support for the development and evaluation of active management of flows rather than shepherding.

6.13 Schedules and appendices

We note that Schedule 2 still has two water access licences that do not appear to have been converted from the Water Act 1912 into the Water Management Act.

We recommend that the outstanding Water Act 1912 licences in Schedule 2 are converted as priority.

We note that Schedule 8 should be updated following our previous recommendation to review the trading zones.

The GVIA were alarmed to read the variety of conditions attached to licences within the unregulated water sources and the inconsistency between how these could be measured, independently verified and/or audited. For example, the conditions on 90SL100012 reads:

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.

Conditions such as these present unacceptable risk to water users and the Government as they cannot be effectively monitored and managed, let alone independently verified or audited.

The GVIA recommends an immediate review of all active licences and their conditions to assess the immediate risk to access holders.

We note that Appendix 5 is a duplication of Schedule 6.

7 Conclusion

The GVIA welcome the opportunity to provide this submission to the DOI-W as part of their public consultation approach.

We acknowledge that some recommendation may not be in the remit of DOI-W but are the responsibility of another authority within the NSW Government, we request your assistance in ensuring the appropriate authorities is informed of our recommendations.

We welcome further discussions to work through many of the complex issues identified within this submission and look forward to a review of another draft Gwydir Surface WRP.

8 Recommendations

8.1 General Comments

1. We recommend an evaluation of the Basin Plan requirements for Water Resource Plans be undertaken, following the completion of the first tranche of plans to assess their relevancy, practicalities and effectiveness in enabling positive water sharing outcomes.
2. We recommend that a mid-term review of water sharing plans is included in each plan and that outstanding issues are recorded as an appendix.
3. We recommend that the NSW Government adequately resource the monitoring and evaluation of water resource plan (and water sharing plans) to enable a thorough and genuine mid-term and final review.
4. We recommend further consultation following review of submissions on the WRP and completion of unresolved elements of the WSPs, prior to any accreditation by the MDBA.
5. We recommend continuing to utilise notes to comprehensively expand on relevant provisions that require linkages to other key legislation, to provide greater clarity and reduce interpretation.
6. We recommend that consistency between approaches is maintained where possible.
7. We recommend that the level of significance be redefined and that channel constraints are represented as part of the narrative provided in the WRP.
8. We recommend removal of the alluvial references as this would be presented in the alluvium and groundwater WRP.
9. We request further consultation on the material changes on the Risk Assessment.

8.2 Water Sharing Plan for the Gwydir Regulated River Water Source

10. Recommended that NSW use the updated name of the Plan being Water Sharing Plan for the Gwydir Regulated Water Source 2016 (amended 2019) as “this Plan”.
11. We recommend that the Plan vision and state-wide template for Section 7 Vision Statement be amended to:

The vision for this Plan is to enable the sustainable and efficient sharing of water to:

- maintain or enhance water source and water dependant ecosystems health;
 - encourage productive and economic use of water resources;
 - deliver social and cultural benefits to urban and rural communities; and
 - deliver spiritual, social, customary and economic benefits to Aboriginal communities
12. Recommend providing a note that the ordering of beneficiaries of water sharing does not suggest a priority of order or hierarchy. Priorities for water sharing are provided for in later sections.
 13. We recommend that Note 3 from Section 8 (2) (a) (iii) is removed.
 14. We recommend that two additional strategies in Section 8 (3) be included to reflect those in the economic strategies, that aim to provide a stable and predictable framework for the sharing of water among water users and where possible to provide for the flexibility to access to water.
 15. We recommend Section 9 (5) be expanded to measures other than water trade, including but not limited to crop output and value.
 16. Recommendation that Part 3 being amended to include the overall objectives, role and composition of Environmental Water Advisory Groups, rather than a full delegation of powers to NSW Environmental Water Manager or NSW Office of Environment and Heritage.
 17. Recommendation for NSW to provide clarity as to why the entitlement dates are as of 1 April 2019 and not 1 July 2019 for instance.
 18. We recommend that a note be added to this section outlining the NSW Government's intention to develop reasonable use guidelines for Basic Landholder Rights and whether this should include Native Title Rights.
 19. We recommend information be provided to clearly delineate the two forms of cultural water within the Plan; Native Title Rights and the granting of a Specific Purpose access licence for Aboriginal Cultural purposes.
 20. We recommend for clarity proposes a note in Section 20, 22 and 23 be added to outline the current held environmental water component of these unit shares rather than as the note in Division 3.
 21. We recommend that a provision for these is included to future proof our region, as per Section 66 of the *Water Management Act 2000 (NSW)*.
 22. We recommend a thorough review of the language and use of external references (rather than directly referencing requirements) in Part 7 following the completion of the Healthy Floodplains Project and advice on the requirements to include Basin Plan compliance mechanisms within the NSW Water Sharing Plan.
 23. We recommend that cumulative compliance requirements are removed from the Plan and provided in separate schedule that includes full disclosure of Basin Plan requirements including methodologies, assessment processes and reasonable excuse provisions. We recommend that if this cannot occur, at a minimum the specific Basin Plan requirements are included within the Plan, including notes regarding reasonable excuses for non-compliance.
 24. Recommendation that Section 30 (2) be amended to be by 5% or more.
 25. We recommend that 'Actions following non-compliance' follow directly after Section 30 Assessment of compliance with the long-term average annual extraction limit, for ease of reading.

26. We recommend the NSW Government engage with GVIA and other Northern Basin industry bodies regarding the apportionment of shared reductions for the Basin Plan.
27. Recommendation that Division 4 Section 34 (6) to include information relating to the continued risk of non-compliance including antecedent conditions and seasonal forecast of water availability and usage.
28. We recommend that Division 5 Section 38 (2)(a)(i) be amended to read, to meet existing allocations within environmental water allowance accounts. In addition to (ii) being removed.
29. We recommend that rules for provision of AWD for EWA are provided in Division 5 and reference in Part 10.
30. We recommend that consideration be given to provide clarity around how debits from water allocation accounts will be undertaken for adaptive environmental licences and special purposes licences.
31. We recommend that Section 48 be amended to include reference to uncontrolled flows greater than the minimum flow requirements in Part 10 Division 1 Section 57 for flows within the Gwydir River.
32. We recommend urgent consultation with the GVIA and other northern Valleys industry groups and environmental water managers, to discuss the relevancy and impact of these restrictions to supplementary water access.
33. We recommend that Section 49 (1) be amended to read that the supplementary event volume that the Minister has not permitted to be taken under clause 48 or that is determined by the operator to not be needed to deliver that portion of water to its designated area, can be directed by the NSW Environmental Water Manager to manage environmental assets.
34. We recommend that Section 52 should include the following note: The degree of hydrologic connection between the Gwydir and other Murray-Darling river systems is insufficient to permit dealings between the Gwydir and these systems to occur.
35. We recommend that Division 1 Section 58 and 59, read that all delegations to the NSW Environmental Water Manager, should seek EWAG advice in preparing strategies to utilise environmental water.
36. We recommend the re-drafting of entitlement priorities to have BLR and stock and domestic and local water utilities the same level of priority, then High Security and all other entitlements and/or allocations.
37. Recommendation that priority off access clause in Section 66 be re-drafted to clarify the priorities with consideration to the current Plan's provisions and incorporate engagement with Environmental Water Managers and customers, if a conflict occurs.
38. We recommend that Rainfall Runoff be amended to stipulate that this is off areas developed for irrigation and has the relevant exclusions.

8.3 *Water Sharing Plan for the Gwydir Unregulated Water Source*

39. Recommend that NSW use the updated name of the Plan being *Water Sharing Plan for the Gwydir Unregulated River Water Source 2012 (amended 2019)* as "this Plan".
40. We recommend that the Plan vision and state-wide template for Section 9 Vision Statement be amended to:
The vision for this Plan is to enable the sustainable and efficient sharing of water to:
 - maintain or enhance water source and water dependant ecosystems health;
 - encourage productive and economic use of water resources;

- deliver social and cultural benefits to urban and rural communities; and
 - deliver spiritual, social, customary and economic benefits to Aboriginal communities
41. We recommend that Note 3 from Section 10 (2) (a) (iii) is removed.
 42. We recommend that Section 10 (2)(c) is amended to include a note that protections of water during environmental water releases must recognise the principles agreed to in the Intergovernmental Agreement on Implementing Water Reform in the Murray Darling Basin.
 43. We recommend that for consistency, Section 22(bb) should read repealed and 22(cc) read 5,596-unit shares in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.
 44. Recommendation to amend Section 27(1)(d) the annual water requirement pursuant to BLR should be detailed out as with Section 24 share components and stock and domestic which would remove Section 27(1)(d).
 45. We recommend that 27 (1) (a) clearly outlines this includes stock and domestic access licences, local water utilities and unregulated river access licences.
 46. We recommend that a note outlining what the long-term annual average extraction limit and the Basin Plan SDL are for these water sources are included in the Plan.
 47. We recommend that Section 30 (2) and (3) are amended to consider reductions in AWD on entitlement categories where any growth has been identified and that any reductions in AWD should consider information relating to the continued risk of non-compliance including antecedent conditions and seasonal forecast of water availability and usage.
 48. We recommend that further consultation on these rules are undertaken prior to the finalisation of the Plan.
 49. We recommend that the Section 39 (3) be amended to read for a period of any five years after the first water year.
 50. We recommend that consideration to carryover rules in Section 39 (4) be reviewed.
 51. We recommend that a review of flow classes be considered, and a consistent approach applied to protect the minimum, low flow scenario that streamlines conditions and simplifies accountability.
 52. We also recommend the NSW Government review unregulated works and licence conditions to ensure consistency of rules and provide advice to licence holders on the hierarchy of conditions that must comply with.
 53. We recommend the trade restrictions within Section 55 (2) are reviewed and reassessed for their consistency with contemporary planning policies.
 54. We recommend that the trade restriction on the Mehi River Water Source be revised to allow for the temporary or permanent trading of water access rights or allocations from the Mallowa Creek Trading zone into the surrounding water source of the Mehi River Tributaries trading zone but that trades into the Mallowa Creek Trading zone are not permitted to reduce the risk to the environmental assets.
 55. We recommend the removal of Section 77 (1) (c) in preference for the in-principle support for the development and evaluation of active management of flows rather than shepherding.
 56. We recommend that the outstanding Water Act 1912 licences in Schedule 2 are converted as priority.

57. The GVIA recommends an immediate review of all active licences and their conditions to assess the immediate risk to access holders.

GOMEROI SUBMISSION ON WRB BORDER RIVERS / GWYDIR VALLEY ON NAMOI PEEL VALLEYS

The issue is that water dependency of the traditional owner's cultural values and uses is not being considered with enough equal weighing in the current water management context and legislation, and as a result Aboriginal cultural values are being negatively impacted.

Objective

The objective of this process needs to demonstrate a tangible outcome for traditional owners and their cultural heritage as well as genuine process for feedback to Government on the issues traditional owners see to their water dependent heritage.

Outcome

The outcome will /should be a measureable improvement to river health and water quality, and increased regard to the cultural values and uses of traditional owners in the Gwydir Valley and the Border Rivers in the decisions making processes.

Very disappointed with Gomeroi consultation period where our peak body NBAN and New South Wales water fail their duty of care to our nations in guiding us through the WRP plans chapter 10 Part 14 Guidelines.

- s10.52 Objectives and Outcomes based on Gomeroi values and uses
- s10.53 Consultation and preparation of water resource plan
- s10.54 Cultural flows
- s10.44 Retention of current protection

As you are fully aware that Gomeroi has 10 of the WRP out of the 22 in New South Wales.

[Nimula.pdf](#)

In your handbook for Practitioners by the Murray- Darling Basin Authority – MDBA part three:

3. A person or body preparing a water resource plan may identify opportunities to strengthen the protection of Indigenous values and indigenous uses in accordance with objectives and outcomes identified under subsection 1 , in which case the opportunities must be specified in the water resource plan.

- Consultation water ways documentation already printed before consultation with the relevant parties and Gomerioi values and uses was collected of all the Queensland Nations rather than individual nations. No feedback from NBAN or Queensland Water.
- New South Wales Water recited in making the decisions to facilitate all Gomerioi meetings which fail in notifying the representatives in due notice of the meeting times and places as well as the lack of information.
- NBAN failed to assist Gomerioi to be able to participate in a fair playing level with the lack of resources and finances. No communication after the Gomerioi Consultancy Report was completed. Did not receive the report from NSW Water.
- All nations in the upper Gwydir have not been consulted by NBAN or NSW Water.
- Phase 3 & 4 of the NSW consultation process has ceased to commence
- NSW Water has not consulted individually on the Border Rivers which include the McIntyre River, Dumaresq River, Severn River, Mole River, Swanbrook River and the Tenterfield Creek.
- The Gwydir River Water Resource has not consulted with the Gomerioi Nation

Unless there is open and proper consultations with The Gomerioi Nation I'm in deep regret the last 4 years have been in vain.

Regards

Anthony Munro – Gomerioi Stakeholder

Email address	[REDACTED]
Name of respondent	Brian Phillip John Stevens
Address	[REDACTED]
Contact phone number	[REDACTED]
Are you an individual or representing an organisation?	Individual
How did you hear about the Public Exhibition of this plan?	
Please let us know how you heard about the opportunity to make a submission?	Communication from peak body
Additional Information	
I give permission for my submission to be publicly available on the Department of Industry website	Yes

Email address	[REDACTED]
Name of respondent	Ben Traynor
Address	[REDACTED]
Contact phone number	[REDACTED]
Are you an individual or representing an organisation?	Individual
Further responses to Schedules and Appendices	
Do you have any comments on the revised WSP objectives?	<p>I note that key objectives of the plan are is to protect maintain and enhance targeted ecological condition of the water source and water-dependant ecosystems as well as connectivity between water sources. My farm is at the bottom end of the Mallowa system and connects the Mallowa to the Moomin and a key location to help address these objectives.</p> <p>I also note that another objective is to provide water trading opportunities for economic activity. Yet due to trade zone restrictions, I cannot move my water licence which allows me to access up to 2592ML from an environmental sensitive area to another location, within the surrounding Mehi Water source.</p> <p>I suggest that the trade zone restriction for the Mallowa Zone undermines the plans ability to achieve these objectives and should be removed.</p>
Is there anything else related to the WSP you would like to comment on?	<p>As outlined earlier, the trade zone restrictions in Part 10, 55 (d) Mehi River Water Source establish barriers to trade of my licence within the Mallowa Creek Trading Zone that undermines the plans ability to address its objectives (and that of the Basin Plan trading rules). I recommend that the trading zone be re-worded to allow for trade out of the Mallowa Creek Zone into the surrounding Mehi Water Source but that limitations to trade in still remain.</p> <p>My understanding this rule was established to protect the environmental conditions in this system. The ability to trade out of the system, would enhance environmental outcomes by limiting risk of extraction in the Mallowa Creek zone which is a key environmental asset. If we are then able to undertake either temporary or permanent trading, this would also reduce the need for policy measures to protect held environmental water deliveries in this system as my licence is the major component of all shares on the Mallowa. Others may also elect to move their licences, eliminating all extractive risk. This would reduce the risks associated with Environmental water deliveries in this system.</p> <p>This barrier to trade has attributed to the significant devaluing of</p>

my licence. Access rules mean, I can barely access water and trade rules mean I can't sell it to anyone. Yet, I have had to purchase and maintain rights, which is unfair considering the attached conditions.

How did you hear about the Public Exhibition of this plan?

Please let us know how you heard about the opportunity to make a submission?

GVIA

Additional Information

I give permission for my submission to be publicly available on the Department of Industry website

No

Email address	[REDACTED]
Name of respondent	Peter Thompson
Address	[REDACTED]
Contact phone number	[REDACTED]
Are you an individual or representing an organisation?	Individual
Draft Gwydir surface water WRP	
After reading the Water Resource Plan Body, please indicate any general suggestions to improve the WRP Body:	<ol style="list-style-type: none"> 1. The WRP should identify a volume of planned environmental water (PEW) to be maintained and there should be operation rules to protect this PEW. 2. The environmental objectives must identify a target for connecting flows to Barwon Darling. 3. There should be rules specifying connectivity flows to the Barwon Darling River. 4. The environmental objectives and performance indicators need targets for waterbirds and Ramsar outcomes. 5. The Environmental Water Advisory Group should be clearly included in the plan rules. There should be a mandatory requirement for this Group to be established. 6. Decisions on directing environmental flows should be made by the environmental water manager, not the river operator.
How did you hear about the Public Exhibition of this plan?	
Please let us know how you heard about the opportunity to make a submission?	Communication from peak body
Additional Information	
I give permission for my submission to be publicly available on the Department of Industry website	Yes

Email address	[REDACTED]
Name of respondent	Guy Boland
Address	[REDACTED]
Contact phone number	[REDACTED]
Are you an individual or representing an organisation?	[REDACTED]
Further responses to Schedules and Appendices	
Do you have any comments on the revised WSP objectives?	I have grave concerns that the Conditions of the Lower Gingham Watercourse Management Zone have real danger to Individuals lives to be able to remain compliant for existing Unregulated Licence Holders downstream of the Gingham Bridge.
Do you have any comments on the changes made to the WSP included in the 'Gwydir Unregulated River Water Sources proposed amendments factsheet'?	There is no review process for conditions of unregulated licences
	<p>I have grave concerns that the Conditions of the Lower Gingham Watercourse Management Zone have real potential danger to Individuals lives by being able to remain compliant for existing Unregulated Licence Holders downstream of the Gingham Bridge.</p> <p>The extraction position of the unregulated Licence on the Property Wongwie is 25klm west of the Gingham Bridge Gauge . The condition of 1.0M at the Gingham Bridge bears no resemblance to the water height and conditions at Wongwie.</p> <p>The Gauge at the Gingham Bridge may read in excess of 1 M and the Gingham Freshwater Channel at Wongwie can be dry. Conversely the extraction point at Wongwie may be completely flooded with over 10000Megs per day running over the property of Wongwie, but the Gingham Bridge Gauge could be reading under 1M. Hence cease to pump rules apply.</p> <p>To remain compliant, an individual would have to get in a boat and travel at night over 1.2klm to the 1200mm Gate and pipe extraction point. The height on the Gingham Bridge has no reference to the water height at the extraction point on Wongwie. These conditions have been an extreme source of frustration since the implementation of the 2012 Plans introduction.</p>

The original conditions were negotiated with extensive consultation with the licencing department back in 2009-2010 when the licence was purchased and transferred to Wongwie.

A cumulative volume of 4000ml per year was negotiated as was water visible at the Morialta Rd. A 1m trigger point per day was added later by mistake. This last clause was never intended to be added per day as this was designed as a one off trigger point. The most important condition on the licence is the 4000 cumulative Megs per year. This is the most accurate way to ensure protection for the environment and the wetlands which lie to the east of the Property Wongwie and West of the Gingham Bridge Gauge.

It is noted that the Gingham Bridge Gauge cross section Status report hits its long term "Percentage of Time Height is exceeded", High(50-80%) and Very High(>80%) Volume periods when the Gauge is only >0.30 meters.

This area of Percentage of Time Height is exceeded, High(50-80%) and Very High(>80%) is where most Unregulated licences on other streams are triggered.

It is noted that the drain that water flows on Wongwie has a total maximum capacity of only 70megs / day as surveyed by SMK surveyors in Moree. This old Fresh water drain hasn't got the capacity to handle the 500megs per day that are also conditions on the works approval issued to Wongwie.

There is also a reference to a Woodlands Rd in the licence conditions which doesn't exist.

In a recent solicitors letter sent on the 6 September, 2018 . (Cole and Butler Solicitors Our Ref: 280126) to the following
1)Ms. Rachel Connell, Executive Director Department of Industry- Lands & Water Division PO Box 550 TAMWORTH NSW 2340

2)Adam Marshall MP, Member for Northern Tablelands

3) Mr Adrian Woodham, Water Regulation Project Officer which was sent in frustration of trying to get these conditions reviewed. It stated that

" We annex an extract chart showing the flows in the Gingham Bridge Watercourse between 1 November 2011 and 1 November 2012 which demonstrates that during a year when the property "Wongwie" was almost permanently flooded and overland flows were able to be extracted, by applying the licence conditions, there were only few occasions on which water could, have been pumped. According to official measurements taken at the Gingham Bridge, 25 kms from the "Wongwie" extraction point, between 30 November 2011 and October 2012 there were 321 days when the property was underwater and overland flows could have been physically extracted.; The licence conditions, however, were such that allowed only 71 days of the 321 days for extraction. A total of 364,534 mega litres of water flowed under the Gingham bridge between those dates.

Is there anything else related to the WSP you would like to comment on?

Had the level of extraction been fixed at 0.3 metres then our client would have been in a position to pump, without any detriment to any other water users, for 284 days.

In other words the existing licence conditions bear no relationship to the reality of what is actually happening waterwise, at Wongwie . Hence conditions need to be amended to reflect the reality."

The dates above refer to the period of time that water was flooding over the Morialta Rd (continually between Nov 2011 and Oct 2012).

In the Lower Gingham Watercourse Water Source the conditions that apply to our licence are 90SL101039

I note that the Gwydir Valley Irrigators have been offering assistance to try and remedy these problems but to no avail.

[Redacted signature]

Regards

Guy Boland

[Redacted contact information]

How did you hear about the Public Exhibition of this plan?

Please let us know how you heard about the opportunity to make a submission?

Gwydir Valley Irrigators

Additional Information

I give permission for my submission to be publicly available on the Department of Industry website

Yes

Email address	[REDACTED]
Name of respondent	Kate Boyd
Address	[REDACTED]
Contact phone number	[REDACTED]
Are you an individual or representing an organisation?	Individual

Draft Gwydir surface water WRP

This draft Water Resource Plan for the Gwydir system does not guarantee sufficient water will be protected to meet environmental needs within the Gwydir plan's area nor downstream in the Barwon and its floodplain, particularly in the context of climate change.

I was involved in discussions a quarter of a century ago regarding introduction of many of the environmental water provisions that this plan proposes to retain. The rule protection low outflows from 3 tributaries for the wetlands had its origin in the difficulty that river managers had sharing these low flows between many irrigators fairly – it was easier to let them go to the wetland and happened to be useful to the ecosystem as well. Creation of an allocation of dam water for environmental contingencies was somewhat contentious. These provisions were not designed to meet all environmental needs but were a significant improvement on no protection of flows for the environment. 50:50 sharing of Supplementary Water was a big step.

Recognition has increased since then that the environment needs more water and that it is in the interests of people as well as other species to increase and improve environmental water provisions in water resource plans. The Basin Plan and the theoretical priorities in this WRP give the environment a higher priority than irrigation, but that is not the way this plan has been designed. It is trying to maintain the situation in which relatively small bits of the streamflow-dependent environment get at best equal priority to irrigation while most of this environment, particularly the remnants of natural ecosystems in the Gwydir system's floodplains get bottom priority. Ecosystems dependent on overbank flows or prolonged high flows only get the leftovers, if they are lucky to get sufficiently high flows after Copeton Dam has trapped runoff from the wetter side of the catchment, mostly for irrigation use, and irrigators have had the opportunity to take the peaks off runoff events from west of the dam.

The Barwon-Darling river and ecosystems get no priority at all. This Plan adds a disgraceful clause practically banning the avoidable release of any Gwydir water to the Barwon.

Since the Murray Darling Cap was agreed to, more land on or adjacent to the floodplain has been developed for irrigation, and floodplain harvesting has increased, as well as more water being trapped in farm dams. I do not agree with the floodplain harvesting policy and access licensing because it leans too far towards accepting gross alterations to natural flows at the expense of local or distant impacts including cumulative impacts. Some water licenses have been bought to increase environmental water, yet the risk assessment for this WRP shows a high risk of inadequate water for the environment, for example in relation to over-bank environments in many of the regulated reaches and in the lower unregulated end of the Gwydir. The theoretical cap on diversions is in practice harder and less likely to actually be implemented to really keep average diversions within agreed levels (i.e. taking into account the purchased licenses for environmental water).

The WRP says there is a high risk that drier scenarios due to climate change, which seems to be eventuating, will further reduce environmental water. Much of the environment's share is in the leftover water in very wet periods when irrigators don't want it, or after irrigation diversions have been high and would breach the sustainable diversion limit if the environment wasn't given more for a little while. If the drier scenario eventuates irrigation will be able to go as close as possible to the SDL while the environment is stressed by the double-whammy of less likelihood of dam overflows or SDL leftovers as well as the hotter climate with less rain, less low flows and supplementary water.

Please provide me with details of the modelling used to assess risks associated with climate change. How much change in runoff and evaporation has been assumed in the modelling and how much difference is there in flows, diversions and environmental water between different scenarios?

The Plan should give priority to the environment after town water and riparian use by specifying a long-term average and other metrics to be met as planned environmental water even in a drying climate. People are causing climate change (and irrigators with big fuel use are no less responsible than other people) so people including food and fiber buyers should bear the cost, rather than increasing the impacts on flow-dependent or groundwater-dependent ecosystems. The Gwydir's economy is quite resilient enough to cope with some further changes and reductions in water diversions to achieve this through an improved WRP.

The environmental objectives are not adequately specified and the means by which the plan or water management will change if they are not being achieved is unclear. For example, there should be better objectives and associated indicators for the Ramsar sites and migratory birds and clarity as to how our international obligations will be achieved if the indicators are not good.

After reading the Water Resource Plan Body, please indicate any general suggestions to

**improve the WRP
Body:**

Flows to the Barwon-Darling

None of the Murray Darling river systems are the same today as they were in the past. Claims that the Gwydir didn't used to flow into the Barwon or shouldn't have to contribute to the Barwon now, are not based in the present interdependent world. Nor in reality: floods the flooded landholders would like the Barwon to take much of the excess water away. The Gwydir economy is not an island, nor is the Gwydir community independent, and the Gwydir environment has been changed. Most of the Gwydir catchment and floodplain land has been developed to produce crops or meat for export to other parts of Australia or the world. This not only depends on others as buyers. It has been achieved with capital from elsewhere, notably to build Copeton Dam, and with a vast array of skills and resources from elsewhere, with social interchanges, and with obligations to others. The achievements have also depended on environmental costs, coming at the expense of the other species which used to occupy the developed land and, in the case of irrigated production, at the expense of the people and ecosystems downstream that miss out on water diverted for irrigation. The Darling has suffered more than any other, but has potential to recover. The native fish, riverine ecosystems and strips of relatively undeveloped floodplain that remain within each valley and in each river are precious. We all share an obligation to look after them. Investment in and proper implementation of the Murray Darling Plan should contribute to meeting this obligation.

The Gwydir WRP should contribute however it best can. This includes providing flows that improve both the health of all remaining water-dependent assets in the Gwydir plan's area (more than the WRP currently targets), and contributing to the health of the Barwon-Darling ecosystems as well as the needs of towns and stock and domestic users. Getting rid of excess water in an extreme flood does not meet this obligation although these flood outflows are a valuable part of what is needed. The Barwon-Darling targets in Schedule 1 of this Gwydir WRP are useful low flows and rarely achievable high flows. These are inadequate. The targets were based on, but compromised from, recommendations of a panel of scientists who had two flying visits to the Barwon-Darling and a one-day workshop in the mid 1990s when scientific information about the fluvial geomorphology and ecological needs of this river was very sparse. It is appalling that there has been no improvement to these targets.

More moderate and prolonged rises in Barwon-Darling flow are also needed. The Border Rivers, Gwydir and Macquarie WRPs should provide for co-ordinated contributions to the Barwon-Darling that are protected from extraction and intended to meet ecological needs by provide moderate and prolonged rises, as well as achieving the existing targets (or improved versions of them).

These must be protected from extraction by Barwon-Darling access licensees. I am pleased to see that some mechanism is being considered to protect environmental water in this river as

part of “active management”. Please provide me with details of how active management is proposed to work.

The Gwydir can usefully contribute and should do so from some of the storm flows that might otherwise be declared as supplementary water. Supplementary events should only be declared when, or to the extent that, the water is not needed by the environment. If water is needed in the Barwon and some can usefully be directed there, e.g. through the Mehi or Carole Ck, then this should be considered along with how to meet the needs of the Gwydir wetlands and riparian ecosystems along other effluents.

The Gwydir WRP should be amended both to enable this and to specify environmental objectives in the Barwon-Darling that the Gwydir water should contribute to achieving.

2007 provides one example occasion when Gwydir water has contributed to valuable flows in Barwon-Darling when that river had stopped flowing and dried down to a series of separate pools. There was good rain and runoff in parts of the Border Rivers and Gwydir. State Water directed much of the Gwydir water towards the Barwon via Carole Ck and the Mehi as well as some to the Gwydir wetlands. Some of it reached the Barwon and topped up some pools, then more had arrived from the Border Rivers and was able to flow on to Bourke which got its first flow for many months – not enough to meet low flow targets down the Darling. From river gauge information it appeared that the Border Rivers outflow on top of a little that came in at Mogil Mogil would have reached Bourke without the Gwydir contribution.

If more flows were directed towards the Barwon more often, these extreme circumstances would occur a bit less often in the Barwon-Darling. That river should not have to wait until it has stopped flowing and town water supplies are threatened before it gets a bit of priority over irrigation in the tributaries.

Further responses to Schedules and Appendices

Do you have any other comments on the changes made to the WSP included in the Gwydir Regulated River WSP - proposed amendments factsheet?

see below

Please correct clause 48 2(b). I understand that it should refer to subclause 3 (c) not 4(c).

Clause 48 should be amended to preclude the declaration of Supplementary water events when or to the extent that water in any part of the Gwydir system could contribute towards meeting

targets in the Barwon Darling - there may be some circumstances in which declaring supplementary water availability on the Gwydir itself could contribute.

The current wording “meet any of the flow targets” could be read as not applying to situations when flows from Mehi river or Carole creek only fill pools upstream of the target gauges, or perhaps not applying if inflows from the Gwydir system alone can only go part way up the gauge not high enough to “meet” the specified flow height. In the case of the low flow targets, inflows are needed whenever the flow would otherwise be below the specified rate. In the case of the current fish passage targets the original intention was to only protect flows when they can get that high, so “meet” needs two different meanings. While the targets need reviewing as part of drafting the Barwon-Darling WRP, the Gwydir WSP should refer to contributing to achieving/meeting them.

I support the proposal to specify that the environmental share is to be directed by the Environmental Water Manager, however this Manager should not be prevented from directing water to the Barwon Darling.

I object to the proposed addition of Clause 49 (1) to the extent that it specifies that the environmental share of “supplementary water” events must be directed to environmental assets “within” the Gwydir system.

Clause 48 refers to meeting targets in the Barwon-Darling which are to achieve low flows or, on very rare occasions, fish passage over big weirs. Clause 49 prevents any water being directed during declared supplementary events to meet those targets even in the limited circumstances when the Gwydir could help meet them. It almost makes a nonsense of mentioning the targets at all. The only way to contribute to them is to not declare a Supplementary event. Some events could be big enough to both meet or contribute to the targets and allow some of the water to be used as supplementary water by irrigators in the Gwydir system but this clause precludes that. There is a risk that this clause will be used to avoid ever contributing to achieving the targets.

In the 2007 example referred to above, there was an embargo that prevented the declaration of any supplementary water to be available to irrigators, but nor was there a statement in the adopted policies that Gwydir environmental water had to be used within the Gwydir system.

Clause 60 should be amended to require that a Gwydir Environmental Water Advisory Group be consulted. It should not just be a maybe.

Clause 64 gives no priority to looking after the environmental needs of anywhere along Moomin Creek other than Mongyer Lagoon and then it only gets considered after “requirements” of supplementary license holders are met, and the level of the lagoon is to remain below 158.5m AHD. This appears to be an

Is there anything else related to the WSP you would like to comment on?

example of the environment getting low priority while high priority is given to protecting the profit interests of people who have developed floodprone land yet don't want their crops getting wet feet. It is good to see Mongyer getting some attention, but all of the environmental assets that survive amongst the developed land in the large southwest section of the Gwydir System, should be given some priority. More work may be needed to find out what flow regimes they need and some compromise to cropping may be needed to ensure the values of the remnants of native vegetation are not lost.

Amendment. I do not understand the implications of clauses 75-80, or what process will occur if amendment is being considered. For example, of adding or removing a section of river, or why clause 77 is proposed, or whether changing the dictionary could significantly change part of the Plan.

How did you hear about the Public Exhibition of this plan?

Please let us know how you heard about the opportunity to make a submission?

friend

Additional Information

I give permission for my submission to be publicly available on the Department of Industry website

Yes

Email address	[REDACTED]
Name of respondent	Ryde Hunters Hill Flora and Fauna Preservation Society
Address	[REDACTED]
Contact phone number	[REDACTED]
Are you an individual or representing an organisation?	Organisation
Organisation or Business Details	
Name of Organisation	Ryde Hunters Hill Flora and Fauna Preservation Society
Who are you representing?	Other
How did you hear about the Public Exhibition of this plan?	
Please let us know how you heard about the opportunity to make a submission?	Department of Industry website
Additional Information	
I give permission for my submission to be publicly available on the Department of Industry website	Yes



AUSTRALIAN FLOODPLAIN ASSOCIATION

Healthy Rivers - Healthy Communities

Feedback on the Draft Gwydir Water Resource Plan 2018

The Australian Floodplain Association is a non-government organisation, established in 2006. It represents floodplain and wetland landowners and their communities who depend on healthy rivers, floodplains and wetlands. Its membership resides predominantly within the Northern Murray-Darling Basin and includes floodplain graziers, community groups and shire councils.

The Australian Floodplain Association welcomes the opportunity to comment on the Draft Gwydir Water Resource Plan (DGWRP). We appreciate the effort of the DOI Water staff involved in its preparation and understand the difficulties faced during its development. Nonetheless we have questions, queries, criticisms and suggestions which we ask that you consider.

Floodplain Harvesting Policy Integration Concerns

The NSW Floodplain Harvesting Policy (FHP) and its implementation are of extreme importance to AFA members as most derive their income from floodplain properties.

AFA understands that the FHP was developed in isolation from the DGWRP (but in parallel with it) and that the new policy has effectively been parachuted into the latter. This increases the concern of AFA members because such an approach is rarely seamless. If this approach is pursued by government then the DGWRP and other WRPs must have clauses included which allow them to be adapted quickly to accommodate new knowledge on FPH.

The AFA does not believe that the relationship between the FPH policy implementation and its impact on Planned Environmental Water (PEW) has been adequately explained. Can an assurance be given that PEW will not decrease in volume over time as a result of the FPH policy implementation? We ask that you remember the fundamental principle that the

Basin Plan and WRPs are about equity, sustainability and health of rivers for all communities – not just the irrigation community.

So we pose the question: Can the DGWRP meet Basin Plan requirements for no net loss of PEW if this volume of FPH water is accounted for?

The Importance of Connectivity

The consultation paper on floodplain harvesting released by the NSW Government on 13 March 2018 identifies that an additional 614 GL of FPH take is eligible for new licenses in the Gwydir catchment. AFA has concerns about how floodplain harvesting was calculated Basin-wide, how this has been accounted for in the calculations of sustainable diversion limits and how additional take of this magnitude can be contemplated in the Gwydir (a) where Ramsar obligations could and should be substantially improved and (b) the ultimate impact on the Barwon Darling and Lower Darling/Murray planning areas is unknown while ever plans are reviewed and considered separately. Both the NSW DOI Water and the MDBA must ensure each Northern Basin WRP informs other WRPs so that *real connectivity* occurs through the whole system

Community Owned Water

Following on from this we believe the community increasingly expects measurable achievements from the use of community owned water. Connectivity with regulated flows and the resultant contribution to environmental, social, cultural and economic outcomes needs to be hardwired into all Northern Basin new generation WRPs. Community owned water provides significant socio-economic and cultural benefits to Basin communities through improved health of the natural environment.

Recognition of Advice from the Environmental Water Manager

We welcome statutory acknowledgement of the Environmental Water Manager. Advice from a stakeholder community based Environmental Water Advisory Group (EWAG) has been and will continue to be critical to good outcomes in WRPs. A statutory rule is required to ensure Aboriginal participation. Other relevant stakeholder groups should also be specifically identified for the EWAG. Decision making in relation to management of community owned water (environmental water) should rest with the NSW Environmental Water Manager and not Water NSW or DOI Water.

Integration of Long Term Watering Plans and Water Resource Plans

There are no long-term watering plans for NSW currently approved (even though they should have been delivered by 2015). The Gwydir and Macquarie LTWP are currently on exhibition with the relevant WRPs, the former required to inform the latter.

The AFA asks “how then will the Basin Plan section below be fulfilled in relation to the development of appropriate rules in water resource plans?”

10.17 Priority environmental assets and priority ecosystem functions

(1) A water resource plan must be prepared having regard to whether it is necessary for it to include rules which ensure that the operation of the plan does not compromise the meeting of environmental watering requirements of priority environmental assets and priority ecosystem functions.

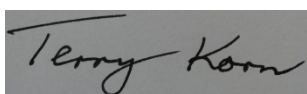
Note: The environmental watering requirements of priority environmental assets and priority ecosystem functions will be set out in long-term watering plans and may also be set out in the Basin-wide environmental watering strategy. Long-term watering plans are required to use the methods in Part 5 of Chapter 8 to identify those requirements.

(2) Without limiting subsection (1), regard must be had to whether it is necessary for the rules to prescribe:

(a) the times, places and rates at which water is permitted to be taken from a surface water SDL resource unit; and

(b) how water resources in the water resource plan area must be managed and used.

(3) If the outcome of the requirement in subsection (1) is that such rules are necessary, the water resource plan must include those rules.



Terry Korn PSM

President

Australian Floodplain Association

28 November 2018

Gwydir WRP1 message



Comments by Brian Stevens on the draft Gwydir Water Resources Plan:

The Gwydir is one of a number of tributaries of the Barwon-Darling River. The Darling River rarely receives significant amounts of water from its own catchment, relying almost totally on input from its tributary streams. It is incumbent upon the NSW authorities, when considering Water Resources Plans for each of these tributaries, to ensure an end-of-stream allowance of water for the Darling River. I believe that the current draft WRP for the Gwydir is defective, in that it assumes that all water flowing in the Gwydir will either be extracted or used for environmental purposes solely within the Gwydir system, leaving no water for the Darling River except in times of flood. This attitude to management of the Darling River's tributary streams has produced the lack of small to medium flows that we have seen in the Darling River over the past couple of decades. It must change. The following changes are recommended:

1. The WRP does not identify a volume of planned environmental water (PEW) to be maintained or rules to protect it. PEW is under threat from Water NSW operation of the river system.
2. The environmental objectives do not identify a target for connecting flows to Barwon Darling.
3. There are no rules specifying connectivity flows to the Barwon Darling
4. The environmental objectives and performance indicators need targets for waterbirds and Ramsar outcomes
5. The Environmental Water Advisory Group should be clearly included in the plan rules with a mandatory requirement to be established.
6. Decisions on directing environmental flows should be made by the environmental water manager not the river operator

Brian Stevens

27.11.2018



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Thursday 29 November 2018

Comments on Draft Gwydir Surface Water Resource Plan

The Inland Rivers Network (“IRN”) is a coalition of environment groups and individuals that has been advocating for healthy rivers, wetlands and groundwater in the Murray-Darling Basin since 1991.

IRN welcomes the opportunity to provide comments on the Draft Gwydir Surface Water Resource Plan (draft WRP).

We note that this draft WRP is a pilot for the roll out of the other nine surface WRPs to be developed in NSW.

Background

IRN submitted substantial comments to the Status and Issues Paper on the Gwydir Surface Water Source released in late 2016.

We outlined concerns that the significance of the Ramsar listed Gwydir Wetlands as a major water bird breeding site in Australia had not been clearly recognised.

The draft WRP fails to recognise the obligations of the NSW and Commonwealth Governments under international treaties to provide adequate water for Ramsar listed wetlands and migratory water bird breeding events.

We also noted that in some years water extraction from the regulated system has been greater than the average inflows into Copeton Dam. The issue of growth in use in the Gwydir is

significant and needs to be addressed in the draft WRP to prevent further environmental degradation.

The management of floodplain harvesting is a key issue. We note that the first Gwydir Regulated Water Sharing Plan had a calculation of 79 GL of floodplain harvesting extraction. The current assessment has identified a far larger volume of take.

This additional volume must be taken from the current Long Term Annual Average Extraction Limit (LTAAEL) so that planned environmental water (PEW) is not reduced in the draft WRP. We note that the final volume of floodplain harvesting is still to be included in the draft Water Sharing Plan (WSP).

The issue of management of the environmental share of uncontrolled tributary inflows and community involvement in environmental water management was also raised.

It is imperative that an Environmental Watering Advisory Group (EWAG) is included as a mandatory requirement in the draft WRP and that its membership is clear so that Aboriginal interests are represented, as well as water users near the end of system along with environmental and extractive industry representation. This is an important community function that provides local knowledge to work alongside the key government agencies including Fisheries, OEH as Ramsar managers and environmental water holders, CEWO, DoI Water and Water NSW.

The lack of final volumes in the draft WSP that will not be available until 1 April 2019 is a key issue. This draft WRP is incomplete and should not have been released for public comment without all the necessary details provided.

Proposed Rule Changes:

1. Mongyer Lagoon Stock & Domestic replenishment flows

We note that it is proposed to formalise the operational practice of providing stock & domestic replenishment flows to Mongyer Lagoon from supplementary flows after requirements of supplementary access licences have been met.

This contravenes the hierarchy of priority for water access in the NSW *Water Management Act 2000* (WMA). Stock and domestic water supply has a higher priority than supplementary water access.

Replenishment flows to Mongyer Lagoon should be provided before access to supplementary flows is announced.

2. Very wet condition threshold

We note that the extreme wet condition threshold of 500,000 ML was introduced in the Gwydir regulated system in 2014 after the adoption of the Basin Plan. This rule relates entirely to protecting developed land on the floodplain. It has no relationship to improving environmental outcomes in the Gwydir system and has a direct impact on potential connectivity flows to the Barwon-Darling.

The constraints to delivering environmental flows in the Gwydir system were identified in the Constraints Management Strategy for the implementation of the Basin Plan. The problem of flooding developed floodplain should be resolved through this strategy, not through rules in the WSP that prevent the use of environmental water at critical times.

The proposal to introduce a new lower threshold of 300,000ML as a very wet condition threshold is strongly opposed. This proposed rule will further inhibit the use of environmental flows at critical times for water bird breeding events, wetting up the Ramsar listed Gwydir wetlands for essential duration to improve resilience, for recharging groundwater systems and providing important downstream flows including connectivity flows to the Barwon-Darling.

These threshold rules in the Gwydir WSP will cause a failure to meet the objectives of the Basin Plan.

3. Directing supplementary flows

We support the proposed rule change for managing the environmental share of supplementary flows so that the Environmental Water Manager can direct flows to specific environmental assets in the Gwydir regulated or unregulated river water sources.

Ideally this decision-making should occur during environmental water planning processes through the EWAG. The identification of a set of circumstantial triggers at the planning stage will improve understanding of the needs of various assets and the opportunities that may provide them with important flows.

In regard to managing supplementary events, IRN does not support WSP rule cl 48 1 (b) that restricts connectivity flows into the Barwon-Darling.

The flow targets in Schedule 1 need to be re-examined. There also needs to be flexibility to allow uncontrolled flows from the Gwydir to combine with other flows from Northern Basin tributaries so that variable flow heights are met in the Barwon-Darling to meet a variety of environmental benefits.

The low flow targets in Schedule 1 are not adequate to provide the level of variability needed to improve the health of the Barwon-Darling system.

Cl 49 (1) should not restrict the use of planned environmental water in the form of supplementary flows to be directed to assets within the Gwydir system. These flows could also contribute to connectivity flows to the Barwon-Darling.

4. Crediting EWA

We note that there has been a disjunct between the current rules in the WSP and their operation. This is described as a failure to accurately reflect the original intent of the rule.

This assumption can only be made by the people who were involved in the decision-making at the time the original WSP was made in 2004.

We suspect that the more likely scenario is that the crediting of the EWA was not properly implemented under the rule. We also note that the proposed changes to crediting the EWA has caused a reduction in the EWA volume. This is not acceptable and must be addressed.

5. Draft rules for FPH

We note that nothing has been finalised about the inclusion of floodplain harvesting in the WSP. Further concerns about this issue are detailed below.

6. LTAAEL & SDL

We object to the continued use of LTAAEL in the draft WRP. The SDL is the limit being applied under the Basin Plan. For this WRP to be compliant it must be based on managing water extractions to the SDL.

Having a second extraction limit is an unnecessary complication that needs to be removed from the WSP.

The LTAAEL should be equal to the SDL so that there is no confusion in meeting compliance with the Basin Plan rules.

7. Objectives, strategies and performance indicators

The proposed environmental objectives and performance indicators have no reference to targets for water bird breeding or enhancement of the Ramsar listed Gwydir Wetlands.

The NSW Government, as Ramsar managers, and the Commonwealth Government have obligations under international treaties to protect and enhance areas identified as significant for migratory birds and other values.

These obligations must be reflected in the objectives and performance indicators of the WSP.

Key Issues:

1. Flood Plain Harvesting

IRN is very concerned about the growth in use in the Gwydir through floodplain harvesting that brings the extraction well outside the LTAAEL.

We note that in the draft WSP LTAAEL is based on:

- (a) the water storages and water use development that existed in 1999/2000,
- (b) the basic landholder rights and access licence share components that existed on 1 July 2004,
- (c) the rules set out in the *Water Sharing Plan for the Gwydir Regulated River Water Source 2002* as at 1 July 2004, excluding the rules in clause 39 of that Plan,
- (d) a limit on supplementary water access licence available water determinations of 1 ML per unit share,
- (e) the level of development for commercial plantations that existed on 30 June 2009,

(f) the level of development for floodplain harvesting that existed in the 1999/2000 water year in connection with extractions from a regulated river in the water source, as assessed by the Minister.

We also note that the LTAAEL has not yet been identified as a volume in the draft WSP.

The final volume of floodplain harvesting extraction under current assessment must be managed within the LTAAEL as described above. This would require a reduction in shares across all forms of take. This reduction should not include the licenced volumes held for environmental use by the NSW Government or Commonwealth held environmental water (that is not described as take under the Basin Plan)

We note that the final unit shares for floodplain harvesting are still being assessed and are concerned that an incomplete WSP has been placed on exhibition for comment.

The modelling rationale being used ie to shift the new volume of floodplain harvesting from system losses into extraction assumptions is deeply flawed. This method will cause a net reduction in PEW.

The management of floodplain harvesting in the event of non-compliance with the SDL should be more explicit than in Cl 34 1(c). The proposed lower available determination to compensate for non-compliance should be associated with the next available flood, not just two years after the non-compliance occurred. The management of a lower available determination for floodplain harvesting will require detailed on ground management of infrastructure and storage levels. This will require a high level of regulatory surveillance.

We note that it is proposed to manage floodplain harvesting accounts in a more flexible manner than other licence categories and that the rules around this management appear to be a work in progress on a valley by valley basis. It is unacceptable that such a lack of information is provided in a document on exhibition for comment.

IRN strongly opposes cl 43 1(d) giving 500% carryover for floodplain harvesting. This will have a substantial impact on PEW and result in a net reduction.

This rule will impact on the availability of important low and medium flood flows that provide significant environmental benefit.

Accounting rule cl 44 (4) implies that after 5 years the total amount of water extracted through floodplain harvesting can substantially increase. This is highly likely to cause non-compliance with the SDL and will be very difficult to manage under the proposed extraction limits.

We do not support cl 45 (2) that allows harvesting of rainfall runoff that has not been credited to the water allocation account of the licence. The proposal to debit this the following year bears no relationship to the availability of rainfall. Rainfall runoff was included as PEW in the original WSP gazetted in 2004.

The proposed rules for managing floodplain harvesting are likely to continue to cause increased environmental degradation in the Gwydir system.

2. Active sharing of water in unregulated water sources

IRN is concerned about the uncertainty that a clear set of rules for protecting held environmental water through unregulated water sources will be included in WRPs.

This is another body of work still under consideration and not available in the Gwydir draft WRP for comment.

The issues identified in the associated fact sheet do not specify that held environmental licenced water will be protected by the proposed rules.

We note that a process of considering rule options was intended to be conducted in November 2018 with further consultation on preferred options to be conducted in 2019. IRN has not been contacted about this proposed consultation process.

3. Protection of PEW

Draft WRP Appendix C states at section 2.2 that the LTAAEL in the Gwydir WSP is not changed. Therefore, there is no net reduction in PEW.

However, the final volume of LTAAEL has not yet been set in the draft WSP and is proposed to expand to account for the final assessed volume of floodplain harvesting.

This will cause a change in the LTAAEL and will cause a net reduction in the protection of PEW.

Transmission losses are a volume of water that has not been extracted and have therefore had some environmental benefit and are included in the volume of PEW.

If the final volume of floodplain harvesting extraction is moved in the model assumptions from transmission losses to extraction, then this is a net reduction in PEW.

The changes in rules for crediting the EWA has caused a reduction in the volume available. This is a net reduction in PEW.

The proposed changes for management of PEW during wet conditions is a net reduction in the protection of PEW.

The extreme wet trigger, amended in the WSP after the adoption of the Basin Plan in 2012, and the proposed very wet weather trigger, prevent the use of EWA to provide duration flows to the Gwydir Wetlands, particularly during bird breeding events. These rules also prevent delivery of additional connectivity flows to the Barwon-Darling that may compliment other inflows from Northern Basin tributaries.

We note that the proposed very wet trigger of 300,000 ML excludes irrigation orders. This can be interpreted that the industry is prepared to be flooded by its own water but not by water used for environmental benefits.

As stated previously these wet condition triggers are manipulating the use of PEW as a form of constraints management, rather the implementing the Constraints Management Plan under the Basin Plan.

The wet condition triggers fail to protect appropriate use of PEW.

4. Mandatory requirement for EWAG

Cl 60 should include the mandatory requirement to establish an EWAG in the Gwydir with a clear list of community and government agency representation.

Conclusion

Because of the incomplete information provided in the draft Gwydir WRP it is very difficult to assess the full impact of the proposed rules and management of the water source.

It is very concerning that the draft Gwydir WRP has been developed as the pilot for all surface water WRPs in NSW.

The direction of the draft WRP provides no confidence that the significant environmental assets in the Gwydir system will benefit over time.

The objectives and performance indicators are an inadequate measure of the value of the international significance of the Gwydir environmental assets.


The risk assessment has identified a high risk of inadequate water for the environment and a high risk of drier scenarios due to climate change.

IRN considers that the draft Gwydir Surface WRP will not meet the objectives of the Basin Plan.

For more information please contact:

Bev Smiles

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29 November 2018.

Please accept these brief comments on the Gwydir Water Resource Plan.

I make this submission as a long-time member of the Gwydir Environmental Contingency Allowance Operations Advisory Committee.

The draft WRP appears to have been rushed. It contains drafting errors, typos and other irregularities. In particular the commencement date for the WRP is stated as 2016!

There is no description of the Water Source to which the WRP applies. The Regulated Gwydir River should be specifically named in this Plan.

For whole of system health and to meet the objectives of the MDB Plan, all northern Basin tributaries need to connect to the Barwon-Darling system. Connectivity to the Barwon-Darling should added to the list of Environmental Objectives for theWRP.

I'm concerned by the lack of specific targets both in terms of species and ecological communities as well as particular locations. I note mention of 'target ecological communities' but there is no detail. Ditto for "priority fish passage" - again, no details are provided of any weirs or regulators where priority might be afforded to native fish movements. There are also no targets for waterbirds nor Ramsar listed wetlands. I find this surprising as both are specific purposes of the Water Act 2007.

The 'hard-wiring' of the Environmental Water Manager into the Draft Plan is welcomed. The EWM and neither the dam operator nor DoI-Water should be the decision maker regarding releases of environmental water. However, I believe it is appropriate for the Operator to maintain and manage the environmental water account.

I believe the EWMshould be required to consult with advisory committee members i.e. Cl 60 should see the word "may" replaced by "must" or "shall". Regarding compliance issues (Cl 34), it is not enough for water users alone to be consulted – all stakeholders are vitally interested in this issue and should be informed and consulted.

The ECA committee should also be be hardwired into the Plan along with the stakeholder groups and / or interests that need to be represented and involved in planning and the decision-making process. In my opinion, there should be a stakeholder advisory committee representing all interests in each valley in which environmental water is held. Further, for the implementation of the MDB an over-arching NSW MDB-wide EWAG should also be considered.

The draft WRP appears to bundle environmental water with cultural water together but there is no link to ensure Traditional Owners will be consulted. Specifically stating the various interest groups to be represented on the EWAG would create such a link and ensure on-going indigenous participation.

Floodplain harvesting has been a key concern to floodplain graziers, wetlands managers and

conservationists ever since development of the policy was announced some 10 years ago. The level of take and on-farm storage volume has increased dramatically – a turn of events that makes claims of the Gwydir being over-recovered totally unrealistic.

My understanding is that consultation regarding FPH took place in Stakeholder Advisory Committee meetings under the Vally-Wide Healthy Floodplains project. It was never discussed in WRP community advisory group meetings and it appears that FPH was simply inserted into the current draft WRP. It is hard to comprehend how the new Plan will comply with MDBA's requirements if 614GL of new licenses are added to the current level of take. It has never been made clear to me how FPH was calculated Basin-wide, how it has been accounted for in the calculations of SDLs and how additional take of this magnitude can be contemplated in the Gwydir, where Ramsar obligations could (and should !) be substantially improved and without proper consideration of the ultimate impact on the Barwon Darling system. In my opinion, new FPH take should be removed from the WRP.

The explanation of the relationship between the FPH policy implementation and its impact on Planned Environmental Water (PEW) is inadequate. I am concerned that reliance on long term averages in models etc will see PEW eroded over time due to changes in the way water is managed. Reductions in PEW are unacceptable and must not be allowed to occur by stealth. I sincerely hope the MDBA will be looking at these and similar details very closely to ensure PEW is protected and the WRP is Basin Plan compliant.

The use of long term averages to predict climate variability is not supported. Climate and weather patterns are changing quickly. Short term averages – of the previous 5-10 years – would be more appropriate in my opinion.

The draft WRP fails to consider the economic benefits of a healthy river and good water quality for town water supplies, tourism and fishing. Similarly, the socio-economic benefits of cultural water need to be included and effective monitoring strategies put in place.

In my opinion, the draft WRP needs considerably more work to ensure protection of environmental water; the achievement of environmental objectives and ecological targets; and to meet the MDBA's standards for accreditation.

Yours sincerely,

A handwritten signature in black ink, consisting of several loops and a horizontal line at the bottom, positioned below the text "Yours sincerely,".

