



# GVIA

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30 October 2019

Ms Tracey Brownbill  
Principal Project Officer  
Water Renewal Taskforce  
Department of Planning, Industry and Environment

Sent via Electronic Mail

**Re: Review of proposed Active Management considerations for the Gwydir Unregulated Water Sources**

Dear Tracey

The Gwydir Valley Irrigators Association welcomes the opportunity to provide the following feedback on the Active Management in Unregulated Rivers draft Policy “the policy”, in particular the proposed changes to the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources (2012)* “the WSP”.

Whilst the Gingham, Lower Gwydir and Mallowa water sources are historically targeted for environmental releases, the overall risk to held environmental water deliveries above what has historically always occurred (prior to the Basin Plan) is minor given the natural constraints on delivery, small volume of extraction licences and the construct of the current unregulated water sharing plan commence to pump thresholds.

We welcome the NSW Government’s recognition of this low risk, particularly in the removal of the Gwydir Water Source as a targeted area within the policy at this point in time.

We appreciate that if and when the Gwydir constraints project as part of the Northern Toolkit is progressed, revision of this risk level may be required and the policy may need to be revisited.

One clear objective of the policy is to provide certainty to all water users; irrigators and the environment, around protecting their historical access to water. With that in mind, we see that clarity around usage and delivery of held environmental in some sections of the valley, when it can be clearly demonstrated that this water is additional to the system, is required. The clear message from the affected members was that they have no intention to access environmental water and it is the Departments or environmental water managers role to clearly identify this portion of the flow when it occurs. We appreciate the importance of this Policy to provide a consistent approach.

We are concerned with the scope of protections provided under the current definition of Active Environmental Water in our valley and the current definition will eliminate all forms of water, not just held environmental water from being extracted by water users. This is an

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over extension of the active management principles, we understand and needs to be rectified as a priority.

The issue stems from the proposed changes to the definition of planned environmental water in the draft Water Sharing Plan for the Gwydir Regulated Water Source which now identifies not only the base flow requirements to the wetlands (three tributaries rule) and the environmental contingency allowance but also the share of supplementary water event not extracted as all being planned environmental water. Whilst we do not accept this redefinition (in the regulated system), we can only provide input to the policy proposal and amendments for this process, based on the information we have available to us at the time.

In practice, the unextracted share of supplementary water that remains in a system is what provides the vast majority of an unregulated user downstream of a regulated plan water access (provided commence to pump thresholds have been met). Protecting this water clearly undermines their ability to take water at all times.

We do not accept that eliminating all unregulated water access downstream of a regulated water sharing plan area is the intent of active management proposal.

We recommend the removal of point c in the definition of Active Environmental Water for the Gwydir Unregulated Water Sharing Plan and associated clauses, for the following reasons:

- Planned environmental water being delivered in regulated sections of the Gwydir is protected under the Regulated Water Sharing Plan, this includes delivery of ECA and the unextracted share of supplementary water into downstream catchments.
- The unextracted portion of supplementary flows from the Gwydir Regulated River is the major source of water for extraction to downstream unregulated catchments.
- There is no history of delivering other forms of planned environmental water into the Mallowa system, rather all environmental deliveries to date have been held environmental water.
- Delivery of other forms of planned environmental water into the Gwydir and Gingham have always historically occurred and commence to pump thresholds in the Unregulated Water Sharing Plan were established to reflect that historical behaviour i.e. these flows and a portion of unextracted supplementary share of water is protected at all times.

We also have concerns around the accuracy of estimation of active environmental water and the timeliness of announcements to water users, given the distance between the point of access and their trigger measurement point. We encourage further consideration of these aspects and the resourcing as part of the procedure's manual.

We are also concerned with the cumulative impact of multiple forms of environmental water being protected on top of existing commence to pump thresholds, resulting in significant and/or extended over-bank scenarios that eliminates a water user access despite there being localised flooding. This is particularly relevant considering the current natural system constraints and the typical breakout points in the Gingham and Mallowa (acknowledging the Lower Gwydir is not a targeted water source at current) and the recognition that the commence to pump thresholds aim to currently protect either all or the majority of the defined channel capacity, regardless of what form of water makes up that volume.

A solution is likely very site specific based on the historical patterns of environmental delivery and objectives to be achieved in both the policy and the delivery of environmental water. As such we recommend the consideration of active environmental management

thresholds, whereby water up to a maximum of 'X' ML/day trigger on X gauge is protected. This will also help to eliminate any issues with timeliness of announcements with unexpected rainfall events and calculation error and providing clear rules on when access can occur.

The following provides a specific list of recommendations for each of the water sources identified.

#### Gingham Water Source:

There are two water users that this policy impacts and as demonstrated by the discussions to-date any solutions can be achieved through direct consultation with the affected parties.

Consideration of active environmental management thresholds to provide an upper bound of what volume of water can be protected either on a daily or during an event, may provide additional clarity to water users around access arrangements. We note that the Lower Gingham water users commence to pump thresholds consider this approach.

#### Mallowa Water Source:

There is significant frustration demonstrated by impacted water users, industry and environmental representatives that Active Management Policy implementation in the Mallowa water source and indeed any risk to delivery of all forms of environmental water now and into the future, can be avoided by allowing Mallowa specific entitlements to be traded out of the system and works decommissioned. The proposal to review trade restrictions in 2023 is not acceptable, given the regulatory and operational impacts and the environmental gains to be achieved. Removing the current trade restriction is the simplest and most effective approach for all involved and enhances the opportunity for environmental benefits for this system.

We recommend that trade from the Mallowa is restricted to hydrologically connected sub catchments to avoid any unintended impacts. For this reason, we recommend consideration to the Mehi or Thalabah Water Source both of which are connected during flooding (see Map 1 attached). We are also aware that there are unregulated licences on the Wolongimba Creek that traverse both of these water sources.

Discussions with water users affected revealed:

- All water users agree that given the additional access constraints and an increasing appetite for environmental water managers to delivery water to this area, transfer of the entitlement to another location is the most practical outcome.
- Two of the water users already have unregulated works outside the Mallowa system, which they would seek to transfer locations only.
- A third would be willing to enter the open market through restricted trade to a connected system.
- All other entitlement holders within the greater Mehi water source have works not related to the Mallowa Creek.

We appreciate trades must be progressed with caution and therefore, recommend they are subject to an assessment consistent with the macro sharing principles to address any possible impacts. This process is required for only three water users and is achievable provided there is willingness from government to proceed.

Removing the current trade restriction would also be consistent with the Basin Plan trading principles given the restriction was based on limited information and a desire to limit the movement of additional entitlements onto the water source, rather than out.

We therefore support in principle the approach contained within the policy and encourage further discussions with the affected licence holders in the preparation of the procedures manual that further defines how this policy will be implemented. We encourage the Department to consider a trial of the approach at the earliest convenience, prior to the finalisation of the manual to test procedures.

We trust that this feedback is of assistance and we welcome further opportunity to provide input into the procedure manual. Please do not hesitate to contact me for further information.

Kind regards,



Zara Lowien  
Executive Officer

Map 1. Extract from Water Source Map [https://www.legislation.nsw.gov.au/maps/9f2b5425-8da5-44ad-b772-c4b45a2bb187/Gwydir\\_Unregulated\\_Alluvial\\_Plan\\_Map\\_WSP019\\_Version\\_3.pdf](https://www.legislation.nsw.gov.au/maps/9f2b5425-8da5-44ad-b772-c4b45a2bb187/Gwydir_Unregulated_Alluvial_Plan_Map_WSP019_Version_3.pdf)

