



*Submission to the Department of Climate Change,
Energy, Environment and Water on:*

*Proposed revised access rules as a component of
the Public Exhibition Draft of the Water Sharing
Plan for the Gwydir Unregulated River Water
Sources 2025*

By:

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I Summary and Purpose

The Gwydir Valley Irrigators Association (GVIA) is the representative body for water entitlement holders in the Gwydir Valley and welcome the opportunity to provide our feedback to the NSW Department of Climate Change, Energy, Environment and Water (DCCEEW) (the Department) for the proposed revised access rules as part of the public exhibition draft of the Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025 from the perspective of our region.

This document aims to represent the concerns, views and experiences of our members and the community. Each member reserves the right to express their own opinion and is entitled to make their own submission.

We remain committed to our previous comments on the Gwydir Unregulated Water Sharing Plan in previous GVIA submissions on the 10th of January 2025, the 1st of February 2025 and the 21st March 2025 into the public exhibition draft of the Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025 and the Newly prescribed wetlands as a component of the Public Exhibition Draft of the Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025. In these documents we stated that we do not support the inclusion of wetlands as a component of any Water Sharing Plan.

This submission is focused primarily on the proposed revised access rules in the Copeton Dam, Moredun Creek and Tycannah Creek water sources, associated with the public exhibition draft of the Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025. We do not support these proposed access rules.

The Gwydir is characterised as having low water reliability reflecting the ephemeral nature of our river system. Unregulated access is the most unreliable source in the region and is available only episodically. General security water reliability is only 36% (that means entitlement holders could expect in the long-term just over a third of their entitlement can be accessed). Supplementary water entitlement reliability is 55% while Floodplain harvesting licences issued in 2022, are only accessible in line with moderate to major floods making them episodic as well.

The GVIA and our members, are members of the NSW Irrigators Council and we generally support the submissions made by this organisation.

2 Overall Recommendations

The entitlement holders in the Moredun Creek, Copeton Dam and Tycannah Creek water sources in the Gwydir unregulated water sharing plan do not support the introduction of additional restrictions to access claimed to be designed to protect “high instream values” and aquatic species. We reject the proposals and make the following recommendations.

- 1. We do not believe that the short consultation timeframe is sufficient for entitlement holders to have been able to effectively determine the impacts of the proposals on their entitlements, noting that the information sessions and the letters did not provide the necessary information for entitlement holders to be able to make informed decisions.**
- 2. Prior to implementing any changes to cease to pump restrictions in any unregulated water source that there is a review of the distribution and size of access licences within the water sources, and an assessment of the metered volume of take where available.**
- 3. We recommend that no changes are made to water sources until there is an improvement in the knowledge used to assess the risk for unregulated water sources and detailed understanding of the effectiveness of existing strategies.**
- 4. We recommend that no changes to access in unregulated Water Sharing Plans are made until non-urban metering is completed and the actual risk to water sources is actually understood.**
- 5. We request a proper analysis of the socio-economic impacts of proposed changes to access, prior to acceptance of the proposals.**

3 Time frame for consultation

We would like to thank the NSW Department for hosting information sessions for these revised cease to pump proposals. We however note that these sessions did not provide the necessary information required by the majority of entitlement holders to be able to make informed decisions on the proposals. The letter sent to entitlement holders also failed to articulate how the changes would impact their individual licences. This is especially so in the Tycannah where there are differing cease to pump restrictions already in existence.

In addition, we are concerned that the public exhibition of the proposed revised access rules for the 11 water sources ran from only the 4th of September to the 15th of October. Thank you for providing an extension of one week. We do not believe this gives sufficient time for entitlement holders to fully understand the implications.

Recommendation

1. **We do not believe that the short consultation timeframe is sufficient for entitlement holders to have been able to effectively determine the impacts of the proposals on their entitlements, noting that the information sessions and the letters did not provide the necessary information for entitlement holders to be able to make informed decisions.**

4 Revised cease to pump access rules in Copeton Dam, Moredun and Tycannah Creek Water sources

The proposed revised cease to pump proposals would appear to have utilised a desk top process without independent on-ground assessments. It is not even clear as to why specific water sources were selected. Comments around supposed high instream ecosystem values are difficult to accept given the ephemeral nature of the water sources in question – where it could be argued that in the reaches where the access points exist, several of the creeks are dry 90% of the time.

We have no clarity as to whether these proposals are required, reasonable or responsive, there has been no analysis to determine if the benefits out way the costs, and we have seen no demonstration that these proposal are in the public interest. This raises concerns for us, as we have no confidence that the Better Regulation Principles¹ have been applied to these proposals.

The Government's own seven Better Regulation principles are supposed to be followed in the development of every regulatory proposal. We are not confident this has occurred with regard the cease to pump proposals in the Gwydir.

We note that as part of meeting the Better Regulation requirements that *"the impacts of the proposal must be identified and justified through quantitative and qualitative analysis of all available data. The level of analysis should be proportionate to the significance of the proposal;"* We don't believe that the impacts of the proposal have been clearly identified or justified appropriately.

We are also concerned that there is a significant lack of understanding of the water sources in question. For example, in the consultation it was determined that there was no understanding of the fact that the fish assessments in at least one of these water sources were conducted in the vicinity of natural springs, the only semi-permanent water source in the creek in question. Noting that these creeks are naturally dry more often than they are wet. There is no water access upstream of these springs, and of the six licences downstream, two are inactive – one of which has expired, and another of the entitlements has significantly more restrictive access than proposed, and has been metered since being activated.

1. There has been no assessment of the current level of access and no assessment of the changes that may result from the proposals.

¹ [TPP19-01 - Guide to Better Regulation.pdf](#)

- a. Assessments simply considered all entitlements in the water source, potential risk rather than actual risk. There was no consideration of which entitlements were active or expired, no reference to metering. This gives no indication of the true water use within the water sources.
2. There is no clarity around what the objectives are. What measured outcomes are expected from the proposals and how will this be determined.
 - a. We feel that where there are such restrictions put in place there should be clear targets and details of the metrics to assess the level of improvement.
3. There has been no socio-economic analysis of the impacts on entitlement holders.

4.1 Potential risk verses Actual risk

If we apply the processes as detailed in the risk pathways in the NSW department risk assessment for the Gwydir² we find the following;

Element 1: Review the distribution and size of access licences within the water source.

Element 2: Review if there is a guage or infrastructure relevant to areas of extraction.

We would sumise that neither of these elements were completed in the risk assessment. As an example. a review of the distribution and size of the acccess licences within at lease one of the water sources would have determined that there is only 176ML of unmetered entitlement downstream of the springs where the fish were found, these 176ML of entitlements are required to be metered by December 2027, untill such time it would be acceptable to include only the 176ML as potential risk. The balance of the entitlement on the Creek is at the junction with one of the main Gwydir streams, it has existing restrictions to access and has been metered since being established as an entitlement. This larger licence is only able to access their entitlement during high flow events thus has no impact on the low or no flows within the water source. The restrictions also minimise any downstream impacts from this entitlement.

In addition, we question the claims that these water sources are ecologically significant and under pressure from extraction. This assessment is made on the potential risk not the actual risk, with only 176ML of unmetered water, in this water source we cannot accept that as rendering the water source as being “under pressure from extraction”. Yes, there were some fish found in the semi-permanent springs, but there is no extraction upstream of these springs. There have been no fish found downstream of the springs, possibly because the creek is naturally dry, unless there has been significant rainfall.

If a review of the access licences and the metereing had occurred it is unlikely that the risk rating would have been found to be high, or that the existing water management strategies would require change or are inadequate. As such the risk result should have been considered tolerable thus not requiring further strategies be implemented.

Unfortunately, the appropriate assessments were not completed, resulting in a risk assessment suggesting that the risk level is not tolerable, we do not agree with this assessment. This resulted in risk treatment C being applied and the requirement for a strategy to be developed to improve knowledge used to assess risk from extraction.

² [Risk Assessment for the Gwydir Water Resource Plan Area \(SW15\)](#)

Knowledge strategies 18 and 19 were developed as a result of applying options B and C on the risk treatment pathway, these strategies *“aim to provide information on which to base future calculations of risk and to inform planning decisions regarding strategy or mechanism application.”* The strategies are detailed as follows

“18 Improve knowledge used to assess risk in unregulated sections of the WRP area:

19 Improve knowledge of effectiveness of existing strategies.”

This once again references “understand the current extraction” and evaluate the effectiveness of existing strategies. We have found no evidence to confirm this has been done.

The risk assessments for all three water sources refers to N5 – option C - Knowledge gap improvement via MER plan proposal

Two also include N6 – option B – Fill knowledge gap and evaluate the effectiveness of existing strategies.

We have not been able to determine if any attempt was made to complete either of the above. Without a balanced transparent assessment of the actual risk and current extraction or a realistic assessment of the effectiveness of existing strategies, how can the proposed changes to cease to pump access rules be justified?

We note that the majority of entitlement in these water sources are required to have metering in place by December 2027. Thus making a realistic assessment of the actual risk possible for all three water sources within two years.

Recommendation

- 2. Prior to implementing any changes to cease to pump restrictions in any unregulated water source that there is a review of the distribution and size of access licences within the water sources, and an assessment of the metered volume of take where available.**
- 3. We recommend that no changes are made to water sources until there is an improvement in the knowledge used to assess the risk for unregulated water sources and detailed understanding of the effectiveness of existing strategies.**
- 4. We recommend that no changes to access in unregulated Water Sharing Plans are made until non-urban metering is completed and the actual risk to water sources is actually understood.**

4.2 Objectives should be clear and impacts properly understood.

There is still no clear understanding of what the objectives are for each of the water sources impacted by the cease to pump proposals. During meetings it was indicated that there was an intention to try to ensure specific flow heights in the individual water sources. The question is what are the actual objectives for each of these water sources? Is it just flow heights or is it fish species – how are you proposing to monitor any changes?

The fact sheet on the Tycannah Creek water source states the following, based on the Risk Assessment for the Gwydir Water Resource Plan Area (SW15).

There is a reported high risk of increased zero flow periods occurring more often in Tycannah Creek Water Source due to previous rules for licensed extraction. This means

the creek is likely to stop flowing or have flow at low levels more often than what would occur naturally, which impacts the life cycle and viability of species that require some level of flow in the river.

We question how this claim is justified. There is 176ML potential extraction that at this stage is not metered, these entitlements already have access restrictions in place. The balance of entitlement on the creek is at the very end of the creek, is metered and has a number of restrictions to access, meaning entitlement can only be sourced during high flow events. As such the entitlements will not cause the Tycannah to stop flowing and is unlikely to increase the low flow events more than would occur naturally. The comments in the fact sheets are incorrect and not based on the actual risks of the water source. We are frustrated that such comments have been included in the fact sheet and informing decision making when they are inaccurate.

Entitlement holders need clarity as to how the proposed cease to pump restrictions will impact their access, will it override the existing restrictions or not? There has also been no consideration of the potential for the supposed target flow to be achieved below the gauge, something that could readily occur given the natural storm activity of the region. Which should then enable entitlement holders to gain access.

In addition, what assessments have been made on the impacts to entitlement holders in each of the water sources in question? A revision of the access rule to prevent water being taken in the Copeton Dam and the Moredun Creek water sources when flow is 80 ML/day or less at the Gwydir River at Bundarra Gauge (418008), is a significant change from no visible flow, and we have seen no analysis of the socio-economic assessments of impacts on entitlement holders. How can such a change be made without proper financial assessment of impacts on users?

The blunt tool of using a gauge is another classic example of policy being written for compliance rather than practicality. This is especially the case for the upstream water sources, where the gauge being used to inform the flows for the Moredun Creek water sources is at the end of the source, and for the Copeton Dam water source is not even in the water source.

The practical implications of Department decisions are more far reaching than the department is acknowledging.

Recommendation

- 5. We request a proper analysis of the socio-economic impacts of proposed changes to access, prior to acceptance of the proposals.**

5 About the GVIA

5.1 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 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 Shire³.

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 crops⁴.

The Gwydir is characterised as having low water reliability reflecting the ephemeral nature of our river system. Most water held as general security water with a reliability of 36% (that means entitlement holders 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. Floodplain harvesting licences were issued in 2022, significantly reducing access for the region, and contribute almost a quarter of the water use in the region over the long term. However, access is episodic, in line with moderate to major floods. Unregulated access is even more unreliable and episodic.

Environmental water management is not new in the Gwydir Valley, we have had environmental water in one form or another since the construction of Copeton Dam in the late 1970's. Our region experienced rapid growth in the environmental portfolio from 2008 onwards with the purchase of licences by the NSW and Commonwealth Governments.

The Gwydir has had more environmental water recovered than required by the Murray Darling Basin Authority modelling and legislation. There is an additional 5,000 megalitres of water owned by Government's above the legislated amount for our region⁵. The total volume of water available to be accessed by water entitlement holders has been reduced significantly over time due to reforms as outlined in Table 1: Summary of Water Reform.

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	

³ Cotton Catchment Communities CRC Communities and People Series 2009

⁴ 2010 2011 Agricultural Census Report – agdata cubes, 71210D0005-201011 Agricultural Commodities, Australia

⁵ The Gwydir Valley has met the legislative requirements of the Murray Darling Basin Plan of 42,000 megalitres of LTDLE entitlement for local/instream environmental outcomes and a further 7,600 megalitres for shared contribution to the northern basin. The NSW and Australian Government's hold 54,600 megalitres LTDLE entitlements. Based on IQQM long-term modelling and the volume of water purchased for the environment

Year	Program	Volume of entitlement
1996	Voluntarily reduced their general security reliability by 5%, by establishing the original Gwydir Valley Environmental Contingency Allowance (ECA) of general security equivalent water.	25,000ML General Security
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
2022	Licencing of Floodplain Harvesting in the regulated and unregulated water sources	24.8% reduction equating 10.4 GL long-term take
TOTALS		5,757 High Security 156,617ML General Security (including ECA) 23,592 ML Supplementary

Entitlements owned for environmental purposes total more than 186,000ML, which includes an Environmental Contingency Allowance 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. Environmental water is primarily used to contribute waterbird and fish breeding events, to maintain the condition and extent of the Gwydir Wetlands. This significant environmental portfolio altered behavioural assumptions and influenced how the system operates; it has impacted what environmental and economic outcomes can be achieved and how the community is affected by the sharing of water resources. As the environmental water portfolio has grown, so has the application and use of environmental water.

As a result of water reform, approximately 19% of the total river flows are available for diversion for productive use⁶. Irrigators hold only 575,000ML from regulated entitlement (high security, general security and supplementary water) and 28,000ML available from groundwater aquifers.

The reform was difficult as regional communities such as those of Collarenebri and Moree were forced to adjust to a region with less water, and less capacity to recover from droughts. The impacts of the reforms are still evident in these communities. Changes in water availability either through climate or government policy directly impacts the productivity of the region and the local economy. Analysis by the Murray Darling Basin Authority highlighted this in the northern review revealing that for Moree and Collarenebri social and economic indicators of education, economic resources and disadvantage declined through 2001 to 2011 resulting in an estimated 200 jobs lost due to the implementation of the Basin Plan in the region⁷. There are ongoing social issues in our region.

5.2 Our region's hydrology and geomorphology

The Gwydir River is an inland terminal river network classified as “tributary” network by the Murray Darling Basin Commission during water sharing plan development. The rivers become a series of branching channels that distribute flows across large areas especially during floods (MDBC, 2007a). This distribution of water represents the watercourse areas of Gwydir Wetlands. There are four parcels of land within the Gwydir Wetlands listed under the Ramsar Convention on Wetlands (MDBA, 2010c).

This natural geomorphology means the Gwydir River under natural conditions would have a very low ability to contribute to surrounding catchment inflows. The Independent Assessment of the 2018-19 Fish Deaths in the Lower Darling estimated that only between 8- 7% of inflow leave the valley. The low contribution, which is consistent with other terminal wetland systems, is a result of most of the water within the system flowing naturally towards the terminal wetlands and watercourse.

The natural hydrology has been altered via modification of the river and operations with an increase in end-of-system connectivity. This channelisation and re-regulation occurred throughout the last century to initially deliver regular stock and domestic water supplies to users and then to deliver irrigation water more efficiently. Flows are now regulated down the Mehi, Moomin and Carole, which can now artificially join the Barwon River. However, even with these modifications there remains limited capacity to move water through these systems with channel constraints limiting the daily flows.

⁶ Based on IQQM long-term modelling and the volume of water purchased for the environment

⁷ Refer to the Murray Darling Basin Authorities Socio Economic condition reports, Social and Economic Analysis of the Moree Community, 2009. Cotton Catchment Communities CRC

[630-nbr-community-profile-moree-hr.pdf \(mdba.gov.au\)](https://www.mdba.gov.au/sites/default/files/publications/630-nbr-community-profile-moree-hr.pdf)

<https://www.mdba.gov.au/sites/default/files/publications/630-nbr-community-profile-collarenebri.pdf>

