

A new water sharing plan for the Gwydir Unregulated River area

A summary of proposed changes in the draft *Water Sharing Plan for the Gwydir Unregulated River Water Sources 2025*

Water sharing plans (WSPs) are the primary legal framework for managing water access and sharing in NSW. The plans are valid for 10 years from their start date.

The Natural Resources Commission (NRC) formally reviews a plan near the end of its 10-year term. The review identifies any changes necessary to deliver better outcomes for all water users, including the environment.

Under the *Water Management Act 2000* (WM Act), the minister may extend a plan for another 10 years or replace it with a changed plan, based on the recommendation of the NRC.

In 2023 the NRC completed its review of the *Water Sharing Plan for the Gwydir Unregulated River Water Sources 2012* (the 2012 plan) and recommended its replacement. The replacement plan is due by 1 July 2025. A copy of the NRC report is available from the [Publications pages of the NRC website](#).

The NSW Department of Climate Change, Energy, the Environment and Water (the department) has drafted a new water sharing plan – the *Water Sharing Plan for Gwydir Unregulated River Water Sources 2025* (the draft plan). When finalised, this will replace the 2012 plan.

We have updated the draft plan to align with the structure and wording of recent water sharing plans. This includes removing redundant clauses and notes, changing the numbering of parts and sections, and updating contact information.

These changes will improve consistency across all plans and align with, current policy positions and administrative practices. In some circumstances re-drafting was required to provide clarity or remove ambiguity associated with the existing rules. We have also updated the amendment provisions to allow us to change the plan if new information is available. We will consult the public before making any future changes that could affect water users or the environment's access to water.

The new approach for reviewing a plan's access rules in the inland regions of NSW relies on a risk assessment. The risk assessment identifies risks for each water source, based on the consequence

(loss of ecological value) and likelihood (probability of impacts) of a threat occurring in the water source.

A risk assessment was completed for this plan area in 2020 as part of the requirement to meet the Basin Plan 2012. The risk assessment identifies risk outcomes for each water source and highlights areas where current management should be reviewed to ensure adequate protection of low flows, based on the consequence (loss of ecological value) and likelihood (probability of impacts) of a threat occurring in the water source. This fact sheet summarises the key changes proposed to the 2012 plan.

Objectives, strategies and performance indicators

The department has revised the objectives, strategies and performance indicators to better reflect the principles of the *Water Management Act 2000*. The draft plan deals with similar matters to the current one. We have made changes to:

- make a stronger logical connection between objectives, the strategies of the plan and the performance indicators we will monitor,
- distinguish clearly between the environmental, economic, social and Aboriginal cultural objectives of the water sharing plan.

New provisions have been added to ensure a monitoring, evaluation and reporting (MER) plan for this WSP is published by December 2026. The implementation of the plan, including progress against the MER plan will be publicly reported on annually from December 2025. In Year 9 of the plan we will publicly report on the results of the monitoring and evaluation undertaken.

Environmental water provisions

The environmental water provisions (legal conditions) remain in the plan but not in their own part. We have distributed them throughout the draft plan into:

- Part 4 – Limits to the availability of water
- Part 6 – Operation of water allocation accounts and managing access licences.

Estimated water requirements for basic landholder rights and licensed take

The draft plan gives updated:

- estimates of water requirements for basic landholder rights that take into account recent data sets for urban areas, numbers of houses and land use

- the total volumes or unit shares specified in the share components of all access licences to reflect current information.

Review of the Long Term Average Annual Extraction Limit (LTAAEL)

Establish a numeric LTAAEL

The draft plan specifies that the department is to determine and publish a numeric LTAAEL by December 2026. The extraction limit is currently described by a set of conditions based on development during a specific period of time rather than a defined numeric volume. The NRC in its review of inland unregulated WSPs has recommended all WSPs include a numeric extraction limit to improve transparency and support the annual compliance assessment against the limit.

Review the numeric LTAAEL to ensure a sustainable level of take

It is proposed that by year 5 the LTAAEL will have been reviewed to determine a sustainable level of take. This review will build on work currently being undertaken by the department to investigate how water sharing plans can consider and adapt to climate change. Any changes to the extraction limit will need to be considered within the context of the Basin Plan's sustainable diversion limits. The review will also consider cultural, social and economic outcomes.

The department has commenced a major program of integrating climate change and climate variability considerations into the plans. The work has commenced with a review of the minimum inflows to inform maintenance of water supply in inland regulated river systems. This is a key piece of work in relation to climate considerations within plans.

The draft plan includes provisions which allow the plan to be amended, and to consider the outcomes of this review. The department will seek the advice of the NRC during this review.

Changes to Access Rules

A key recommendation from the NRC's review of inland unregulated plans was to introduce flow based access rules where suitable gauges are available. This change addresses compliance and enforcement issues associated with the 'no visible flow' rule and provides better protection of very low flows. The draft plan proposes changes to the access rule in the Halls Creek, Myall Creek, Moredon Creek, Copeton Dam water sources and the Lower Horton Management Zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

Halls Creek Water Source

For the Halls Creek Management Zone, it is proposed to introduce flow-based access rule of 2ML/day using the Halls Creek at Bingara gauge (418005). The current access rule requires licence holders to cease to pump when there is no visible flow at the same gauge.

The Halls Creek Water Source has been identified as having high instream values. The water source has a diverse native fish community and is a key area for threatened species in the Gwydir valley and broader NSW Murray-Darling Basin fish community. Important threatened species sampled in the Water Source include Southern Purple Spotted Gudgeon (NSW listed species) and a stronghold population of Freshwater Catfish (MDB population is listed as endangered in NSW), with evidence of recruitment and a good range of size classes detected in 2023 (*Schilling, H., Crook, D. 2024. Basin Plan Fish Monitoring Summary (2014/15 – 2022/23): Water Resource Planning Area Reports*). Protection of flows, especially low flows are critical to the protection and recovery of these species.

The proposed change aims to protect very low flows, which are important for maintaining instream biodiversity and connectivity, and critical for the protection and recovery of high ecological values including known populations of endangered and threatened water dependent species in this water source.

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This proposed change may increase the frequency and duration of cease to pump events for licence holders. We are seeking information from affected licences about water usage patterns and how the proposed access rules may affect existing irrigation operations. This information will allow us to better understand the potential impacts and help identify ways to mitigate those impacts where possible.

The access rule for the Halls Creek Tributaries Management Zone will remain unchanged as the majority of access licences are located in the Halls Creek Management Zone.

Lower Horton Management Zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source

For the Lower Horton Management Zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source, it is proposed to increase the access rule from 4ML/d to 5ML/d using the Horton River at Rider gauge (418015). The risk assessment identified the Lower Horton Management Zone as having high instream value and indicated base/low flows were at risk from extraction.

The change aims to protect high ecological values including known populations of endangered and threatened species such as Eel-tailed Catfish and Murray Cod within this management zone.

Protection of low flows during breeding season is critical for Freshwater Catfish to prevent nest abandonment, to enable movement of Murray Cod and for maintaining instream biodiversity. The increased access rule will also provide more water for basic landholder rights.

Myall Creek Water Source

For the Myall Creek water source, it is proposed to introduce a flow-based access rule of 1ML/day using the Myall Creek at Molroy gauge (418017). The current access rule for this water sources requires licence holders to cease pumping when there is no visible flow at the pump site.

The change aims to protect very low flows which are important for maintaining instream biodiversity and high instream values which are known to occur in this water source, and to provide for basic landholder rights.

The NRC has recommended where possible to introduce flow based access rules where suitable gauges are available. This change addresses compliance and enforcement issues associated with the 'no visible flow' rule and provides better protection of very low flows.

Copeton Dam Water Source

It is proposed to introduce a flow-based access rule using a gauge for licence holders located on Copes Creek within the Copeton Dam Water Source. The current access rule for this water source requires water users to cease pumping when there is no visible flow at the pump site.

The endangered Bells Turtle is found within Copes Creek and an increased cease to pump in this creek may provide benefits to hatchling turtles. There are also known populations of threatened fish species in this water source including the Eel-tailed Catfish.

The change aims to protect very low flows in Copes Creek which is important for maintaining instream biodiversity and high instream values. Managing access from a telemetric gauge also improves implementation and compliance.

Given the location of the Copes Creek at Kimberly gauge (418005), the rule is only intended to manage access for licences on Copes Creek within the Copeton Dam Water Source. To enable the proposed access rule to operate effectively a new management zone will be created for Copes Creek and the access rule will be applied to licences within that management zone. There is no suitable gauge to manage access for licence holders on the Gwydir River within the Copeton Dam Water Source.

An amendment provision is also included in the draft plan to allow the access rules to be reviewed after year 5 to enable new information to be considered including alternate options to manage daily

extraction. This is particularly relevant to the Gwydir River section of the water source where the majority of licensed extraction occurs and also contains the higher ecological values.

Moredon Creek Water Source

Bundarra Town Water Supply (TWS) is located on the unregulated Gwydir River, immediately upstream of Bundarra township and is managed by Uralla Shire Council. It provides drinking water to the township of Bundarra, which has a population of approximately 330 people. The extraction point is at a feature locally referred to as Taylors Pond and there is an additional on-stream pond immediately upstream of Taylors Pond, known as Warrabinda Pond, that also supplies town water.

Taylors Pond is not exclusively used as town water storage and there are a number of water access licences that either extract water directly from this location or have conditions applied to them that restrict pumping once the pond has been drawdown to a specified level.

In 2019-2020 during the drought, the water storage that supplies Bundarra ran dry and the town was supplied with potable water via water carting for approximately 3 weeks. Data obtained from Hydstra for the Gwydir River at Bundarra gauge (418008) indicated there was an extended period of zero flow days between February 2019 – January 2020 (approximately 316 days).

Advice provided by Uralla Shire Council suggested town water supplies would be better protected if all relevant licences were restricted from pumping when the river ceased flowing. Two licences have existing conditions which restrict access when there is no visible flow at the rock bar connection between the Warrabinda Pond and Taylors Pond. It is proposed to manage all relevant licence holders with this condition.

This change aims to improve water security, reliability and resilience for the town of Bundarra by ensuring very low flows that would flow into Taylors Pond are protected from extraction. The change also addresses NRC recommendations to work with Councils to inform specific provisions to protect town water supplies, using the most appropriate gauging stations.

Amendment provision to review high risk water sources

An amendment provision has been included in the draft plan to allow access rules in water sources identified as being at high risk from extraction to be reviewed, where no change to access rules has been recommended in the draft plan. In some water sources, changes were not recommended due to there being no telemetric gauge available to manage access or where the reliability of a gauge was considered poor. These water sources will be reviewed by Year 5 for the purpose of improving protection of water dependent ecosystems and connectivity between water sources. The review will consider new information, where it is available, as well as associated cultural, social and economic implications of any changes to access rules. The water sources/management zones identified for review are listed below:

- Copeton Dam Water Source
- Moredun Creek Water Source
- Moree Water Source
- Tycannah Creek Water Source
- Upper Horton Management Zone

Changes to Gingham Watercourse Water Source

Several changes are proposed to the access rules for the Gingham Watercourse Water Source. These issues were identified as part of the department's internal review and changes proposed address implementation issues with the existing rules and drafting errors within the 2012 plan.

A-class flows

The 2012 plan was amended in 2022 to correct an error in the wording of the very low flow class access condition. Unfortunately, the error was not corrected in the wording for the A Class access condition as part of this amendment.

The draft plan has corrected this error by removing the words “within the previous 12 months” from the daily access rule for A Class and replacing them with “at any time”. This change in A class wording now aligns with the original intent of the rule. The proposed wording of the access condition for A Class is:

Equal to or more than 175 ML/day at the Gingham Bridge gauge (418079) at any time, or equal to or more than a total of 4000 ML/year at the Gingham Bridge gauge over the previous 12 months, or a visible flow in the Gingham Watercourse at Morialta Road.

New Management Zone - Gingham Watercourse Tributaries Management Zone

The existing management zones within the water source apply to the watercourse itself, however, the surrounding land and smaller creeks are not covered by a management zone. This anomaly creates issues when assigning water supply works approvals to areas which are not covered by a management zone.

The new management zone would apply to all areas of the water source except the area already covered by the existing Upper and Lower Gingham Watercourse Management Zones.

Total and individual daily extraction limits

We propose to remove references to total and individual daily extraction limits (TDELs and IDELs) from the plan and include an amendment provision that would allow us to introduce TDELs and individual daily extraction components (IDECs) in the future, if necessary.

We cannot implement TDELs and IDECs now because of the lack of metering and flow gauging. However, we believe that TDELs and IDECs are an appropriate management tool in some areas where they can be implemented. We want to be able to introduce them in the future if required, if there is suitable infrastructure and metering.

Trading

Trading is an important tool for making both environmental and economic improvements. If trading rules are too restrictive it limits the ability to move take of water out of high environmental value areas to lower environmental value areas, provides no flexibility for water users and hinders the establishment of a water market. Where water sources have medium to low environmental value and are not flow stressed trade should be permitted. Trading between water sources is not permitted in the 2012 plan.

It is proposed to permit limited trade INTO the following water sources considered as having low or medium hydrological stress and environmental value:

- Boorolong Creek Water Source up to a volumetric limit of 266 ML (an additional 35 ML)
- Mackenzies Flat Water Source up to a volumetric limit of 135 ML (an additional 18 ML), and
- Mosquito Creek Water Source up to a volumetric limit of 48 ML, (an additional 10 ML).

Permitting limited trade into the water sources may benefit access licence holders by increasing opportunity and flexibility and potentially reduce hydrologic stress in other water sources.

In-river dams and Town Water Supply

Plans contain specific rules relating to the construction and operation of in-river dams. Current policy prohibits the construction of new in-river dams in third or higher order streams or above in water sources identified as having high instream value.

The draft plan also prohibits in-river dams in the following additional water sources:

- Gil Gil Creek Water Source
- Moredun Creek Water Source
- Moree Water Source
- Myall Creek Water Source

- Thalaba Creek Water Source
- Tycannah Creek Water Source, and
- Upper Gwydir River Water Source

We propose to include an exemption for in-river dam applications that are for town water supply purposes. This provides an opportunity for inland towns to consider in-river dams as an option to improve security, reliability and resilience of town water supplies. This is consistent with the State Water Strategy priority actions for town water supply.

It should be noted applications for a new water supply works approval or to amend an existing approval is subject to a stringent assessment process that considers case-by-case the location and impact of the works being applied for. There is no guarantee an application will be approved as this is determined by the assessment process.

Protecting replenishment flows

The NRC recommended in their review of the 2012 plan that the draft plan include provisions which protect replenishment flows from unregulated extraction within the plan area.

Replenishment flows are provided for in the *Water Sharing Plan for the Gwydir Regulated River Water Source 2016* (Gwydir Regulated WSP) and send water to unregulated river locations to replenish pools, lagoons and creeks for domestic and stock watering purposes. They also provide incidental environmental benefit as they move downstream.

In the Gwydir, this includes the following replenishment flows:

- 4,000 ML per year for Thalaba Creek
- Mongyer Lagoon (within the Mehi River Water Source) during supplementary water events in Moomin Creek under specified circumstances.

The draft plan includes provisions protecting replenishment flows from unregulated water access licences, in Thalaba Creek and Mongyer Lagoon. These new provisions address NRC recommendations ensure replenishment flows cannot be extracted for any purposes other than domestic and stock basic landholder rights.

Protecting wetlands

The draft plan identifies 327 additional wetlands in the plan area. It improves protection of these wetlands by restricting new surface water supply works and trade into these important areas. The draft plan proposes there will be no new works or trades allowed within or up to 3 km upstream of Ramsar listed wetlands or within a wetland displayed on the WSP prescribed wetlands map. The

rules will not apply to replacement surface water supply works. For more information please see the factsheet on Improving protection of wetlands in inland New South Wales.

The draft plan includes a map of WSP Prescribed Wetlands for the plan area uses spatial data from:

- the Long-Term Water Plans,
- Ramsar (internationally important) wetlands listing,
- the Directory of Important Wetlands of Australia,
- existing lists of wetlands already in water sharing plans,
- ecological assets listed in floodplain management plans in management zone D, and
- Endangered Ecological Communities of the plan area that are wetlands
- regionally significant cultural wetlands (if known).

The wetland category of 'WSP prescribed wetlands' will include an exemption to proposed new rules if no more than minimal harm can be demonstrated. These exemptions will not apply to wetlands identified by a previous WSP displayed on the map.

The proposed rules address the NRC's recommendations to improve protection for wetlands within the plan area.

Improve connectivity in the Northern Basin

A new amendment provision has been proposed to allow changes associated with the Connectivity Expert Panel's Final Report. This amendment will facilitate the implementation program developed to improve connectivity in the Northern Basin. The following water sources have been identified under this amendment:

- Carole Creek Water Source
- Gil Gil Creek Water Source
- Mehi River Water Source
- Millie Creek Water Source
- Thalaba Creek Water Source

More information

The draft plan and other fact sheets are available from the department's website at www.water.nsw.gov.au/nsw-Gwydir-unregulated-rivers-water-sharing-plan.