

Proposed amendments to the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012* to facilitate active management

This document outlines amendments proposed to the Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012 to facilitate active management in the Gingham Creek Watercourse Water Source and Mallowa Creek.

We propose to put in place an increased level of management in the Gingham WaterCourse Water Source and the Mallowa Creek (within the Mehi River Water Source). Known as active management, this will allow environmental water used in-stream for environmental purposes, referred to as active environmental water to be protected from extraction.

To implement active management change is required to water sharing rules that regulate access in the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012*.

This document outlines the additional rules proposed to implement active management under each Part of the water sharing plan.

A factsheet *Gwydir unregulated water sharing plan – Active Management* provides details on why changes are proposed, the intent of the proposed changes and what this means for licence holders.

Proposed additional provisions

The proposed changes for active management are in addition to the water sharing plan changes exhibited in October - November 2018. At that time, we were still developing the approach to active management.

Clause 71 (l) of the current *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012* allows access rules to be amended to implement active management.

We welcome your comments on the additional proposed amendments to the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012* to facilitate active management outlined below.

Part 1 Introduction

5 Management Zone

- (1) For the purposes of this Plan, the following water sources are divided into the following management zones:

Insert new sub clause:

Mehi River Water Source:

- (i) Mallowa Creek Management Zone
- (ii) Mehi Management Zone

Part 2 Vision, objectives, strategies and performance indicators

Insert new strategy to support environmental objectives:

- (x) restrict the take of water to protect active environmental water,

Note: Active Environmental Water is defined in the Dictionary.

Part 8 Rules for managing access licences

Insert new clause:

40 Rules for access licences intending to protect water from extraction

- (1) Where a licence holder intends to protect the water permitted to be taken under the licence on a particular day from extraction, the holder must notify the Minister in accordance with the Active Management Procedures Manual established by the Minister.
- (2) The water allocation account of an access licence referred to in subclause (1) is to be debited in accordance with the Active Management Procedures Manual published by the Minister.

42 Flow classes

Replace subclause (3) with:

- (3) Subject to subclause (4), a flow class applies in the respective water source or management zone on the day specified in Column 7 of Table B when the flow (ML/day) as measured at the flow reference point specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B as adjusted under subclause (8).

Insert new subclause:

- (8) The Minister is to determine and announce any adjustments to flows specified in Column 5 of Table B for the Very Low Flow Class and A Class in the Upper Gingham Watercourse Management Zone of the Gingham Watercourse Water Source as necessary to protect Active Environmental Water in accordance with the Active Management Procedures Manual.

Note - Active Environmental Water and **Active Management Procedures Manual** are defined in the Dictionary.

43 Access rules for the taking of surface water

Replace subclause (6) with:

- (6) Water must not be taken under an access licence where a cease to take condition that was imposed on the Water Act 1912 entitlement that the access licence replaces is, in the Minister's opinion, higher than:
- (a) the upper limit of the Very Low Flow Class (as specified in column 5 of Table B), or
- (b) the access rules specified in subclauses (2)–(5),

when flows are at or less than the cease to take condition that was specified on the replaced *Water Act 1912* entitlement as adjusted under subclause (6A). This subclause does not apply to the taking of water from an in-river dam pool, a runoff harvesting dam or under an access licence with a share component that specifies the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

Insert new subclause:

- (6A) The flows specified in subclause (6) for access licences in the Upper Gingham Watercourse Management Zone of the Gingham Watercourse Water Source are to be adjusted by an amount to be determined and announced by the Minister as necessary to protect Active Environmental Water in accordance with the Active Management Procedures Manual.

Insert new clause:

43A Additional access rules to protect Active Environmental Water

- (1) This clause applies to an unregulated river access licence with an extraction component that specifies any of the following management zones:
- (a) Lower Gingham Watercourse Management Zone,
 - (b) Mallowa Creek Management Zone.
- (2) Water must not be taken on any given day from a management zone listed in subclause (1) if the Minister has determined and announced that there is only Active Environmental Water present in that management zone.
- (3) In order to protect Active Environmental Water from extraction, the Minister may, in accordance with the Active Management Procedures Manual, announce a maximum amount of water permitted to be taken on any given day from a management zone listed in subclause (1), if the Minister determines that Active Environmental Water and other water present in that management zone.
- (4) Water must not be taken in excess of that announced by the Minister under subclause (3).

Note. Active Environmental Water is defined in the Dictionary.

Insert new clause:

45A Active Management Procedures Manual

The Minister must prepare and publish on the Department's website an Active Management Procedures Manual that includes but is not limited to the following:

- (a) the requirements for access licence holders intending to protect water from extraction, to notify the Minister under clause 40,
- (b) the means for determining the amounts to be debited from access licence water allocation accounts under clause 40,
- (c) the means for determining the amounts necessary to protect Active Environmental Water under clause 42,
- (d) any other matter the Minister considers relevant.

Part 12 Amendment of this Plan

Clause 87 Other

Insert new subclause:

- (9) This Plan may be amended to include or amend access rules for unregulated river access licences so as to protect Active Environmental Water from extraction.

Dictionary

Insert the following new definitions:

Active Environmental Water is, the water in these water source identified by the Minister on any given day as requiring protection from extraction, that arises from the following:

- (a) held environmental water flowing from a water source that is upstream of these water sources,
- (b) the water the Minister identifies as requiring protection under clause 40 of this Plan,
- (c) planned environmental water flowing from a water sources that is upstream of these water sources that requires protection from extraction as determined by the Minister.

Active Management Procedures Manual means the manual established by the Minister under clause 45A.

Have your say

We seek your comments on the:

- Proposed amendments to the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012* to facilitate active management, September 2019
- Active Management for unregulated rivers – Draft policy for public consultation, September 2019.

The draft policy has guided the proposed water sharing rule amendments and will guide the preparation of the Active Management Procedures Manual for the Gingham Creek Watercourse and Mallowa Creek management zones.

Please note that comment on the draft Gwydir Surface Water Resource Plan and other proposed amendments to the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012* has closed and your submissions on these are currently being considered.

Make a submission

Use our [online form](#) or send an [email](#) to make a submission. All submissions will be considered when finalising the plan. **Submissions close at 5 pm on Tuesday 29th October 2019.**

More information

The *Active Management for unregulated rivers – Draft policy for public consultation, September 2019* is available from <https://www.industry.nsw.gov.au/water-gwydir>.

The *Gwydir Surface Water Resource Plan – Active Management – Factsheet* is available from <https://www.industry.nsw.gov.au/water-gwydir>.

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