

Licensing of floodplain harvesting extractions

The NSW Floodplain Harvesting Policy

The NSW Floodplain Harvesting Policy was initially released in May 2013 and was revised in September 2018. The Policy applies to all floodplain harvesting within NSW and provides a framework for licensing floodplain extractions. The policy is currently being implemented in the Gwydir, Namoi, Border Rivers, Macquarie and Barwon-Darling Valleys where floodplain harvesting is most prevalent.

Why do floodplain extractions have to be licensed?

The unconstrained harvesting of water from floodplains reduces the amount of water reaching or returning to rivers. This decreases the amount of water available to meet downstream river health and wetland and floodplain needs. Floodplain harvesting can affect the connectivity between the local floodplain wetlands and the river through the loss of flow volume and the redirection of flood flows. It also erodes the reliability of water supply to downstream water users.

Licensing floodplain harvesting extractions is the most effective way to manage floodplain harvesting activities and will provide certainty and security for eligible floodplain water users to access the resource within water sharing plan limits.

What is floodplain harvesting?

Floodplain harvesting is the collection, extraction or impoundment of water flowing across floodplains excluding the following types of water extraction:

- taking of water under a water access licence that is not a floodplain harvesting access licence
- taking of water under a basic landholder right, including water taken under a harvestable right
- taking of water under an applicable water access licence exemption under the *Water Management Act 2000*
- used irrigation water

The Policy applies to floodplain harvesting activities on properties where all or part of the property lies within a designated floodplain. Designated floodplains already exist in each of the valleys where there is significant floodplain harvesting. The Policy provides for the current designations to be tailored to include the location of existing floodplain harvesting works.

What are floodplain harvesting works?

Floodplain harvesting works generally fall into two categories:

1. Works built specifically to facilitate floodplain harvesting, including pumps, structures or other works that divert water into or from storages, supply channels, depressions or otherwise impound flows.
2. Works built for multiple purposes that have the effect of facilitating floodplain harvesting, such as:

- a. levees, conveying works and off-river storages constructed in billabongs or depressions;
 - b. below-ground level channels from which the water is delivered into storages.
3. Works that collect rainfall runoff and which deliver that water into storage.

Floodplain works that do not facilitate the collection, extraction or impoundment of water flowing across floodplains are not considered to be floodplain harvesting works, and as such do not require approval under the policy additional to an approval already required for other purposes under the *Water Management Act 2000*.

How are landholders involved?

Landholders who undertake floodplain harvesting activities in the five northern valleys and who want to be authorised to continue floodplain harvesting, were invited to submit a registration of interest (ROI). ROIs were needed so that the department had the necessary information to determine eligibility for detailed assessment under the policy. This process, which commenced in 2012, has now closed.

When implementation of the policy has concluded for a particular valley, all floodplain harvesting activities in that valley will require a water supply work approval and a water access licence authorised under the *Water Management Act 2000*.

Which works are eligible for detailed assessment?

1. Works considered eligible are works capable of floodplain harvesting that, on or before 3 July 2008, were:
2. Constructed on a floodplain in accordance with an approval granted pursuant to a Part 2 or Part 8 of the *Water Act 1912* or the *Water Management Act 2000*. Subject to a pending application for an approval to construct the work on a floodplain under Part 2 or Part 8 of the *Water Act 1912* or *Water Management Act 2000*.

Constructed on a floodplain and for which it can be established, to the satisfaction of the Minister for Water, that the department did not require an approval under Part 2 or Part 8 of the *Water Act 1912*. In submitting an ROI relating to this category, the person submitting the ROI should provide evidence that the department did not require an approval for the works in question.

Existing works for which an application under the *Water Act 1912* or the WM Act was required and not made on or before the 3 July cut-off date will not be authorised for floodplain harvesting.

How is eligibility assessed?

The Department conducts site inspections of all properties that are included in an ROI before making a preliminary determination as to whether any or all of the works are eligible for further assessment.

Any individual who submits an ROI and disagrees with the Department's preliminary determination may request to have the preliminary determination reviewed.

After requests for review have been considered, the Department makes a final determination of

eligibility.

A determination that all or some works are eligible for further assessment does not guarantee that a work approval or a water access licence will be authorised for all or some of the works. For existing works that are determined not to be eligible for further assessment, directions may be issued to remove or modify the works.

How will volumetric entitlements for floodplain harvesting be determined?

There are two different categories of floodplain harvesting licences that will be established.

1. Floodplain Harvesting (regulated river) Access Licences – for properties that are connected to a regulated river
2. Floodplain Harvesting (unregulated river) Access Licences - for properties that are not connected to a regulated river

Floodplain harvesting licences for properties connected to regulated rivers will be determined through river system modelling.

What review procedures exist?

The Department has established an independent Floodplain Harvesting Review Committee to provide advice on submissions relating to eligibility for floodplain harvesting licences and volumetric entitlements. This Committee has the following membership:

- Conrad Bolton – Independent Chair of the Healthy Floodplains Review Committee
- Xavier Martin – Acting President NSW Farmers Association representative
- Mark Winter – NSW Irrigators Council representative, local irrigator and landholder, Moree
- Bev Smiles – NSW Nature Conservation Council representative and landholder, Mudgee

More information

www.dpie.nsw.gov.au/water