

The history of floodplain harvesting reform in NSW



Healthy Floodplains Project



August 2021

The NSW Government is regulating floodplain harvesting



The NSW Government has been reforming floodplain harvesting in NSW since the year 2000. Extensive and ongoing consultation with stakeholders and the community have led to refinements to the reform from then until today.

Reform began in 2000

Prior to 2000, water management in NSW was governed by the *Water Act 1912*. Approvals to construct works on the floodplain were required from 1984, but there were no volumetric licensing requirements. Provided that the floodplain structures had the required approvals in place, then floodplain harvesting could lawfully occur under the *Water Act 1912*.

Water sharing plans, developed under the *Water Management Act 2000*, set limits for all extractions at the water source scale. The first water sharing plans showed the NSW Government's intention to transition lawful floodplain harvesting occurring under the *Water Act 1912*, into the water licensing framework under the *Water Management Act 2000*.

On 3 July 2008, the NSW Minister for Water announced that there would be no new works eligible for floodplain harvesting and all floodplain harvesting activities would need an approval and access licence.

In May 2013, the NSW Government released its Floodplain Harvesting Policy to protect the environment and water users from the impact of unconstrained floodplain harvesting.

Stakeholder consultation informed the development and implementation of the Policy

There has been extensive consultation with a broad range of stakeholders and communities throughout the reform process. Over the past 12 months alone, we have communicated via media, email, webinars and web updates, with a reach of over 1.5million people. More than 700 formal submissions have been received on aspects of the reform.

Every aspect of the reform has been refined due to stakeholder feedback. The department has:

- Strengthened the legislative and policy framework
- Developed detailed implementation guidelines
- Field tested and implemented measurement approaches
- Improved and published model documentation
- Reported on environmental and downstream benefits
- Conducted and published independent reviews
- Improved consultation methods and products to better reach the target audience.

Floodplain harvesting reform timeline

- 2000** *The Water Management Act 2000* and the National Water Initiative were introduced. Consultation began on how to transition historically legitimate floodplain harvesting into the *Water Management Act 2000* through the water sharing planning process.
- 2004** The first water sharing plans capturing the early policy intent of floodplain harvesting started.
- 2008** The NSW Government announced its intention to limit the works that would be eligible for licensing. The first draft NSW Floodplain Harvesting Policy was developed, and consultation began.
- 2010** A second draft NSW Floodplain Harvesting Policy was developed based on stakeholder feedback and consultation began again.
- 2012** The Commonwealth-NSW funded Healthy Floodplains Project was created to provide a focus for reforming the management of the floodplains in the northern Basin.
- 2013** The NSW Government endorsed the NSW Floodplain Harvesting Policy in May 2013.
- 2014** Data collection, targeted stakeholder, and public consultation to implement the NSW Floodplain Harvesting Policy commenced.
- 2018** The NSW Floodplain Harvesting Policy was revised due to feedback received through a public submission process. The draft NSW Floodplain Harvesting Measurement Policy was developed, and public consultation began.
- 2019** An independent review of the NSW Floodplain Harvesting Policy implementation was jointly commissioned by NSW Government and the Murray-Darling Basin Authority. The resulting recommendations were accepted in full, leading to the 2019 Floodplain Harvesting Action Plan.
- 2020** The draft NSW Floodplain Harvesting Measurement Policy was further reviewed via targeted consultation sessions in March 2020. The Policy was finalised and endorsed by the NSW Government in July 2020. We released the Guideline for the Implementation of the NSW Floodplain Harvesting Policy.
- 2020** Consultation on draft rules for floodplain harvesting licences in the Border Rivers and Gwydir valleys (with technical modelling and environmental and downstream benefit assessments) took place. Consultation on proposed changes to the *Water Management (General) Regulations 2018* to enable the reform took place.
- 2021** Consultation on draft rules for floodplain harvesting licences in the Macquarie Valley (with technical modelling and environmental and downstream benefit assessments) took place. Changes to allow the reform to the *Water Management (General) Regulations 2018* were made and were then disallowed by the Upper House of the NSW Parliament.

© State of New South Wales through Department of Planning, Industry and Environment 2021. Information contained in this publication is based on knowledge and understanding at the time of writing (August 2021) and is subject to change. For more information, please visit dpie.nsw.gov.au/copyright