

## Floodplain Harvesting Action Plan

### Progress report for Quarter Three 2021 (July to September 2021)

Published November 2021

#### Implementing a robust floodplain harvesting framework

The NSW Government released the Floodplain Harvesting Action Plan in September 2019. The action plan is a road map to ensure water taken from floodplains across key areas in the northern Murray–Darling Basin is managed and measured within legal limits set by the Basin Plan 2012 and by state water sharing plans. In the action plan, the NSW Government committed to:

1. use the best available facts, data and scientific analysis to underpin the licensing framework and explain this work to you
2. set clear rules for floodplain harvesting and consult with you about them
3. ensure rules are followed
4. improve floodplain harvesting management over time.

#### Progress to date

This is the fifth progress report on the Floodplain Harvesting Action Plan. It demonstrates that the government has delivered on key objectives outlined in the plan and is making good progress on the remaining objectives of the reform. As of September 2021, 10 actions identified in the action plan have been completed. A further 11 actions are in progress, with 9 identified as future actions and 2 as ongoing actions.

Since 2020, the NSW Government has publicly exhibited proposed water sharing rules for floodplain harvesting licences for the Border Rivers, Gwydir, and Macquarie valleys (3 out of the 5 northern Basin valleys). Once public exhibition is complete for the Barwon–Darling and Namoi valleys, a further 6 actions will have been completed. These include fulfilling commitments to:

- publish valley-based model build reports (action 1.4)
- publish valley-based model scenario reports (action 1.5)
- publish valley-based environmental benefit reports (action 1.6)
- hold workshops with stakeholders to explain the model build, model scenario and environmental assessment reports on a valley-by-valley basis (action 1.8)
- release proposed water sharing plan and water resource plan rule changes for floodplain harvesting (action 2.4)
- hold workshops with stakeholders about proposed water sharing plan and water resource plan rule changes (action 2.6).

#### Implications from the disallowance of water management regulations

On 6 May 2021, the NSW Legislative Council disallowed the amendments made to the *Water Management (General) Regulation 2018* associated with floodplain harvesting. On 23 June 2021, the NSW Legislative Council formed the Select Committee on Floodplain Harvesting (Select Committee) to inquire and report on the NSW Government's management of floodplain harvesting. Hearings as part of this inquiry commenced on 20 September 2021. The Select Committee is due to release its final report on 15 December 2021. The department welcomes the inquiry and are working to support it where possible.

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While these processes are underway, there is uncertainty about the final scope of the reforms. Although some parts of policy implementation have been suspended until the inquiry is complete and the NSW Government agrees to mechanisms for addressing key issues (i.e. public exhibition of draft water sharing rules for the Barwon-Darling and Namoi valleys), other parts continue to progress (i.e. issuing water supply works approvals to eligible landholders).

The department will provide an update on our work program, including any revised target dates, once these processes are complete.

The NSW Government remains committed to the task of regulating floodplain harvesting to legal limits set out in the NSW water sharing plans and the Basin Plan so that legislative obligations can be met, environmental and connectivity outcomes can be improved and clarity for all water users and the Natural Resources Access Regulator (NRAR) can be provided.

More information about the [legislative amendments and outcomes of community consultation](#) can be found on the department's website, [www.industry.nsw.gov.au/water](http://www.industry.nsw.gov.au/water).

## Floodplain Harvesting Action Plan deliverables

### 1. Use the best available facts, data and scientific analysis to underpin the licensing framework and explain this work to you

**Table 1. Progress for the first set of actions**

Our commitment	Target date	Progress	Updates
1.1 Report on how sensitivity and uncertainty in the model has been treated by the Department of Planning, Industry and Environment and how much it affects users	Q4 2019	Complete	Documentation will now be included in valley-based model reports.
1.2 Report on the significance of additional rainfall runoff due to irrigation and how this is being managed	Q4 2019	Complete	The <a href="#">report for additional rainfall runoff</a> is available on the website. It is proposed that runoff from irrigation areas will not be licensed as floodplain harvesting in certain circumstances.
1.3 Write to individuals to explain the parameters that we will use to work out their licence entitlements	Q1 2020	Complete	Complete for all valleys
1.4 Publish valley-based model build report	Q3 2020	In progress	Complete for Border Rivers, Gwydir and Macquarie valleys. The department will complete this action for the Barwon–Darling and Namoi valleys, subject to successful amendments to enabling regulations associated with floodplain harvesting.
1.5 Publish valley-based model scenario report	Q3 2020	In progress	Complete for Border Rivers, Gwydir and Macquarie valleys. The department will complete this action for the Barwon–Darling and Namoi valleys, subject to successful amendments to enabling regulations associated with floodplain harvesting.

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Our commitment	Target date	Progress	Updates
1.6 Publish valley-based environmental benefit reports	Q3 2020	In progress	Complete for Border Rivers, Gwydir and Macquarie valleys. The department will complete this action for the Barwon–Darling and Namoi valleys, subject to successful amendments to enabling regulations associated with floodplain harvesting.
1.7 Hold a focus workshop with peak water user groups in northern NSW valleys to provide information about how the modelling approach applied to individual farms is supported by sensitivity testing	Q3–Q4 2019	Complete	Workshop and field trip held with peak water user groups October 2019 in Moree.
1.8 Hold workshops with stakeholders to explain the model build, model scenario and environmental assessment reports on a valley-by-valley basis	Q3 2020	In progress	Complete for Border Rivers, Gwydir and Macquarie valleys. The department will complete this action for the Barwon–Darling and Namoi valleys, subject to successful amendments to enabling regulations associated with floodplain harvesting.

## 2. Set clear rules for floodplain harvesting and consult with you about them

Table. Progress for the second set of actions

Our commitment	Target date	Progress	Updates
2.1 Publish all independent reviews about policy implementation (the Independent Review of NSW Floodplain Harvesting Policy Implementation and a summary of the probity review into floodplain harvesting licensing)	Q3 2019	Complete	<p>Reports for <a href="#">the Independent Review of NSW Floodplain Harvesting Policy Implementation</a> and a summary of the <a href="#">probity review into floodplain harvesting licensing</a> are available on the website.</p> <p>The results of peer review of modelling reports for each valley are available on the website.</p>

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Our commitment	Target date	Progress	Updates
2.2 Release a response to each recommendation of the Independent Review of NSW Floodplain Harvesting Policy Implementation	Q3 2019	Complete	See the <a href="#">Floodplain Harvesting Action Plan</a>
2.3 Release a guideline about how the department is implementing the policy	Q3 2019	Complete	<a href="#">Guidelines</a> available on the website.
2.4 Release proposed water sharing plan and water resource plan rule changes for floodplain harvesting	Q3 2020	In progress	Complete for Border Rivers, Gwydir and Macquarie valleys. We will complete this for the Barwon–Darling and Namoi valleys, subject to finalisation of water management regulations associated with floodplain harvesting.
2.5 Hold workshops with stakeholders to explain the guideline	Q3 2019	Complete	n/a
2.6 Hold workshops with stakeholders about proposed water sharing plan and water resource plan rule changes	Q3 2020	In progress	Complete for Border Rivers, Gwydir and Macquarie valleys. We will complete this for the Barwon–Darling and Namoi valleys, subject to finalisation of water management regulations associated with floodplain harvesting.
2.7 Release draft entitlements for comment	Q3–Q4 2020	In progress	Draft entitlement released for comment in Border Rivers valley during Q1. We will release draft entitlements for comment in remaining valleys, subject to finalisation of water management regulations associated with floodplain harvesting.
2.8 Finalise licences and amend water sharing plan and submit water resource plan for re-accreditation	Q2 2021	In progress	Licensing will come into effect, subject to finalisation of water management regulations associated with floodplain harvesting.

## 3. Ensure rules are followed

**Table 2. Progress for the third set of actions**

Our commitment	Target date	Progress	Updates
3.1 Meet Compliance Compact obligations by publishing a program for improved measurement of floodplain harvesting	Q2 2019	Complete	<a href="#">Improvement program</a> available on the website
3.2 Release the final Floodplain Harvesting Measurement Policy	Q4 2019	Complete	The <a href="#">NSW Floodplain Harvesting Measurement Policy</a> is available on the website.
3.3 Require licence holders to install telemetry-ready, continuous water-level loggers on all on-farm storages used for floodplain harvesting	Q2-2021	In progress	Implementation will be through the NSW Floodplain Harvesting Measurement Policy, supporting guidelines and amendment to enabling regulations. See website for details.
3.4 Start enforcement of the new floodplain harvesting licensing framework through the Natural Resources Access Regulator	Q3 2021	Future action	n/a
3.5 Develop a best-practice guideline for floodplain harvesting measuring in partnership with Queensland and Murray–Darling Basin Authority	Q2 2021	In progress	Preliminary discussions with Queensland are underway for the development of best-practice guidelines.
3.6 Implement best-practice guidelines	Q3 2021 onwards	Future action	n/a
3.7 Support the development of technologies that enable better auditing and compliance of floodplain harvesting, including through the department's Water Technology Pilot Program	Q3 2019 onwards	Ongoing	Information about the Water Technology Pilot Program is available on the website.

Our commitment	Target date	Progress	Updates
3.8 Encourage the Natural Resources Access Regulator to address unapproved flood works on a risk basis to improve outcomes for the environment and downstream water users	From Q3 2019	Ongoing	It is proposed, subject to funding, to commence an accelerated compliance program for unapproved floodplain structures in cooperation with other NSW agencies.

## 4. Improve floodplain harvesting management over time

**Table 3. Progress for the fourth set of actions**

Our commitment	Target date	Progress	Updates
4.1 Collect floodplain harvesting diversion data by implementing the Floodplain Harvesting Measurement Strategy	From Q3 2021	Future action	Implementation will be through the installation of local intelligence devices (telemetry systems) with floodplain harvesting meters, as outlined in the <a href="#">NSW Floodplain Harvesting Measurement Policy</a> .
4.2 Consider opportunities to expand the river gauging network to improve the quantification of return flows from the floodplain to the river	Q3 2021	Future action	Options are being assessed as part of the Northern Basin Toolkit and Hydrometric Networks and Remote Sensing Project.
4.3 Continue to invest in remote sensing to improve our understanding of flood flow breakouts and return flows from the floodplain to the river	Q3 2021	Future action	Options are being assessed as part of the Northern Basin Toolkit and Hydrometric Networks and Remote Sensing Project.
4.4 Undertake modelling to assess the effects of climate change on floodplain harvesting, as well as on downstream water users and the environment	Q3 2021	Future action	This will be addressed through regional water strategies.

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Our commitment	Target date	Progress	Updates
4.5 Invest in robust monitoring and evaluation programs to better understand the hydrological and ecological effects of floodplain harvesting	Q3 2021	In progress	A monitoring, evaluation and reporting (MER) framework is being developed to better understand the hydrological and ecological effects of floodplain harvesting. Expected publication of the plan is in Q1 2022.
4.6 Recalibrate models using floodplain harvesting measurement data	From Q3 2021	Future action	n/a
4.7 Improve model capability by explicitly representing flows from the floodplain to the river using all new data and information collected	From 2025	Future action	n/a
4.8 Review water sharing rules and amend them as necessary to improve the management of floodplain harvesting over time, based on improved data and information	From 2025	Future action	n/a

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