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Environment (Water)



FLOODPLAIN HARVESTING LICENSING AND MEASUREMENT FRAMEWORK

Barwon-Darling Webinar

28 March 2023

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1 Introduction

Water taken through floodplain harvesting activities is the last major form of water take to be integrated into the water licensing and approval framework. Integration into this framework provides a mechanism to regulate the activity and ensure water take occurs within sustainable limits.

In 2013 the NSW Department of Planning and Environment (DPE) introduced the NSW Floodplain Harvesting Policy. The policy identifies floodplain harvesting eligibility criteria and the licensing process. Floodplain harvesting licences define the volume of water (overbank and rainfall runoff) that users can legally harvest from floodplains.

An important part of this framework is rules that enforce how water taken during a floodplain harvesting event is measured, recorded and reported. These rules are specified in the Water Management (General) Regulation 2018 (the Regulation) and ensure that all water taken is measured by accurate, auditable and tamper-proof meters.

To assist landholders and water users to understand their obligations under the floodplain harvesting measurement rules, the NSW Department of Planning and Environment (DPE) Healthy Floodplains Project is conducting workshops throughout New South Wales. Implementation of the licensing and measurement framework enables floodplain harvesting to be accurately measured and water taken in accordance with the individual licensed volumes and legal limits prescribed in the Murray-Darling Basin Plan 2012 and NSW water-sharing plans.

For the Barwon-Darling, the licensing and measurement framework commenced on 1 April 2023. From that time the first water allocations to Barwon-Darling Floodplain Harvesting water accounts can be made. There is a 'transitional period' of one year to enable water users to comply with requirements for primary metering equipment for Floodplain Harvesting.

This report summarises the outcomes of a landholder information session conducted by webinar on 28 March 2023. A recording of the webinar is available here: [Floodplain harvesting licensing and measurement workshop Landholder information - Barwon-Darling held 28.03.2023 on Vimeo](#)

2 Consultation Session Process

The webinar involved a presentation by DPE, the Natural Resources Access Regulator (NRAR) and WaterNSW representatives. The presentation sequence was:

- Welcome and Acknowledgement of Country
- Initial Joint Agency Presentation to explain the various roles of key agencies
 - DPE
 - NRAR
 - WaterNSW
- Measurement Methods and Metering Equipment
- Nominating Your Measurement Period
- Approvals, Dealings and Billings
- Review and wrap-up.

Each presentation or topic was interspersed with a period of questions and answers. Questions were also asked throughout each of the presentation sessions.

The presenters were:

- Dan Connor, Director, Healthy Floodplain Management
- Alastair McKenzie-McHarg, Principal Project Officer, Metering and Measurement
- Keeley Reynolds, Director Education and Engagement, NRAR
- Amanda Fuller, Manager Customer Assessments and Approvals, Water NSW

ATX Consulting facilitated the session and was responsible for reporting.

3 Presentations

The purpose of the webinar was defined as:

- Ensuring landholders understand their obligations under the floodplain harvesting licensing framework and know what is required to comply
- Providing an opportunity for landholders to ask questions on floodplain harvesting licensing and measurement requirements
- Identify any areas where further information is required by landholders to assist with compliance.

3.1 DPE: Introduction and Floodplain Harvesting Framework Update

Dan Connor presented on:

- The Framework due to commence across Barwon-Darling on 1 April 2023
- Roles of respective agencies: DPE Water, WaterNSW and NRAR
- Update on framework commencement.

3.2 WaterNSW: Floodplain Harvesting Function Implementation

Amanda Fuller presented on:

- WaterNSW role in implementation - works approvals, access licences, billings, measurement

3.3 NRAR: Floodplain Harvesting Compliance

Keeley Reynolds presented on:

- NRAR plans to visit and inspect storages from mid-2023
- Initial focus is on ensuring landholders understand the requirements and are preparing to comply
- Secondary devices are required if primary devices are not installed, and a landholder wants to floodplain harvest
- Emphasis on secondary equipment as a minimum being installed, and if this is not installed then landholders should not be taking floodplain water
- NRAR's compliance enforcement approach - will consider volume of take, licence status, status of the works used, harm caused, culpability, compliance history
- As always, NRAR will use its regulatory discretion if well-intentioned landholders have been unable to comply by their deadline due to

circumstances outside of their control. Landholders must be able to present evidence of the efforts they have made to comply.

- NRAR recognises complexity in compliance with new rules

3.4 Floodplain Harvesting Measurement

Alastair McKenzie-McHarg presented on:

- Key message is to 'get on with it'
- Landholders' responsibility to be compliant
- Why overland flow is measured - to ensure that everyone is taking water within their licence for the benefit of all water users and the environment
- Landowners in Barwon-Darling have 12 months from 1 April 2023 to install primary metering equipment
- To take water in the first 12 months, from 1 April 2023, landholders must use secondary metering equipment as a minimum to measure water take.
- Two floodplain harvesting measurement methods - storage metering equipment (most common) and point-of-intake metering equipment (all intake points are metered - using the same type of equipment permitted under the non-urban metering rules)
- Storage curves - default storage curves have been uploaded to portal. If there have been any changes to storage/s it is important that landowners update their storage curve data. Will need a surveyor to do this.
- If have gone through farm scale validation process, this survey data has not been captured in the DQP Portal so a surveyor will need to update landowner storage data
- Defining the measurement period - starts when overland flow enters your property, or mixes with water on your property
- Survey benchmarks and storage curves are critical for the storage metering equipment method. However, it is acknowledged there is a shortage of surveyors
- Information on Duly Qualified Persons (DQPs) and who does what activities/functions in the meter installation and validation process
- There are currently 28 Certified Meter Installers
- Programs to support floodplain harvesting measurement including demonstration site, telemetry rebate, pilot in Border and Gwydir Rivers.

3.5 WaterNSW: Approvals, Dealings and Billings

Amanda Fuller presented on:

- Overview of transition process from DPE to WaterNSW
- Floodplain harvesting water supply works approvals

- How to apply for an amended approval - form available on www.waternsw.com.au
- Water Access Licences - dealings are permitted subject to the rules of the relevant Water Sharing Plans
- Undertaking a dealing on a WAL
- For complex applications WaterNSW recommends discussing with staff first through a video, phone or face to face meeting
www.waternsw.com.au/customer-services/water-licensing Can also be booked through call centre
- Billing - fees determined through IPART. All pricing is also available on WaterNSW website.

4 Question and Answer

The following is a summary of the questions and answers discussed during the session. These are not necessarily verbatim. Best efforts have been made to capture both questions and answers accurately.

Question/Comment	Response
If we have difficulties uploading the storage curve to the portal, who do we talk to about that?	DPE will provide details of contacts at Water NSW Registered surveyors wishing to have storage curves uploaded to the DQP Portal will need to contact WaterNSW at: dqp.enquiries@waternsw.com.au and provide their professional registration details along with the landholder's consent. The email to WaterNSW should contain the following subject line: 'Floodplain harvesting storage curve upload.' More information is also covered in this link Storage curve guideline (nsw.gov.au)
What are the key steps people should be taking now?	DPE - We have been encouraging everyone to get your survey benchmarks in and get secondary devices installed. We recognise getting surveyors in the Barwon-Darling area can be difficult. We encourage people to make contact as soon as possible.
Is there any professional advice you can seek to ensure what you are doing is going to make you compliant? I am lost in terms of where to start. It's a bit overwhelming.	DPE - Our aim is to get more skilled Duly Qualified Persons (DQPs) out there. They are intended to be the key people to give you property-specific advice. If not you can also reach out to the metering.reform@dpie.nsw.gov.au email and DPE staff may be able to help get the compliance process underway.. DPE is also working with NRAR on compliance complications relating to access to surveyors, DQPs and equipment.
If you are a relatively small irrigator there seems to be little recognition of cost. What is being done about that?	First key step is to get as much information as you can from DPE through the email address and then engage a DQP who can tell you in detail what you are required to do to become compliant, and the associated costs.
What is best place to find a DQP?	DPE - Irrigation Australia website - Member Directory (irrigationaustralia.com.au) DPE is about to release an online marketplace platform to water users that will also assist in connecting landholders with DQPs and product suppliers. https://www.dpie.nsw.gov.au/water/nsw-non-urban-water-metering/what-water-users-need-to-know/virtual-market
The next 12 months does not look good for being able to comply because of uncertainty about cost and availability of surveyors and others. Trying to get a surveyor west of Walgett is very difficult	DPE - we accept there are barriers to people being able to comply. We encourage you to reach out to surveyors as soon as possible and make all other legitimate efforts to comply.

Question/Comment	Response
	<p>Like all water, floodplain harvested water is a public resource that the NSW Government has made a decision to provide access to private users at a cost and with some obligations. Without appropriate measurement there would be no licensing of floodplain harvesting.</p> <p>NRAR - We are encouraging people to act now and document your attempts to book surveyors and/or DQPs. Landholders need to make the best possible efforts to be compliant by commencing that process as soon as possible.</p> <p>DPE - we are encouraging landholders to be proactive. Think about how you could comply and contact the department if you have any questions.</p>
<p>Update on field demonstration site project. We are waiting to get some guidance from that because we don't want to invest in things that aren't going to work. We would like to get some commonality.</p>	<p>DPE - Have done 13-14 full installations. It has taken some time to get people signed up to participate. If you can get your benchmarks done, install secondary and primary measurement devices, you won't be on the wrong track. The department's website has information on compliant storage metering equipment options. Advice is not to wait for outcomes of this project before commencing your own steps to compliance. There likely won't be any wholesale changes coming out of the demonstration project.</p> <p>The field demonstration site was not designed to test durability of devices, but the reporting systems. All approved devices have been rigorously tested to stand up to Australian conditions by the Manly Hydraulics Lab.</p>
<p>Will DQPs be made aware of results of the demonstration project?</p>	<p>DPE - Yes. We will be holding webinars for DQPs.</p>
<p>If you want to leave water in a lagoon or other storage and don't want to use it except for preservation of the environment, can you nominate a depth that is left to support the surrounding environment?</p>	<p>DPE - If it is water that is entering a storage that is being used for floodplain harvesting then it will be debited against your account.</p> <p>There are options to de-commission some forms of storage if that was suitable.</p>
<p>How many landholders have engaged in the Floodplain Harvesting program? Interested in the department's capacity for serviceability</p>	<p>DPE - About 500 individuals. It is a landholder's obligation to be compliant. We are currently working alongside the NRAR on several education and information initiatives to help water users become compliant. We don't have the resources to have individual conversations with everyone, so we have a number of programs and avenues to educate landholders about compliance responsibilities.</p>
<p>Is there room for flexibility? How are anomalies addressed?</p>	<p>DPE - There is a process for exemptions if you cannot physically measure your take. It doesn't mean you get out of metering - there will be an alternative measurement method required.</p> <p>In our experience, in most instances where people have applied for an exemption, it has been found that people haven't fully understood the rules and requirements.</p>

Question/Comment	Response
Are we going to be under some form of daily volume limit for floodplain harvested water?	DPE - No, not at this stage. There is no limit. Current licenses and current conditions do not specify a daily limit component.