

Submissions for the proposed rules for floodplain harvesting in the Namoi Valley

Online form and written submissions

This document includes the submissions made for the proposed rules for floodplain harvesting in the Namoi Valley. Some responses from stakeholders have similar replies and comments and may appear to be duplicated. We have included all submissions for transparency and redacted contact information for privacy reasons.

If you have any questions or need assistance with this document, please contact the department on water.enquiries@dpie.com.au.

Submission for the proposed rules for floodplain harvesting in the Namoi Valley

digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au
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on behalf of
digital.services@squiz.dpie.nsw.gov.au <digital.services@squiz.dpie.nsw.gov.au>
Fri 27-January-2023 5:37 PM
To: Lands-Water FloodPlain Harvesting Mailbox <floodplain.harvesting@dpi.nsw.gov.au>

📎 1 attachments (103 KB)
Namoi Floodplain Harvesting submission [REDACTED];

Permission

I would like my name and personal details to be treated as confidential.: No

Personal details

Name: [REDACTED]
Postal address: [REDACTED]
Telephone: [REDACTED]
Email address: [REDACTED]

Submission details

Who are you representing?: Myself (individual)
If you are representing 'an organisation', please provide the name of the organisation:
Which stakeholder group best describes you?: Community member
If you answered 'other', please provide the stakeholder group that best describes you:
Have you attended a webinar or other meeting as part of this consultation?: None of these

Submission details

1 – Do you support the proposed 5-year account management rules?: No
1.1 – Please provide a reason for your support/opposition.:
2 – Do you support the proposed initial available water determination of 1 ML per unit share?: No
2.1 – Please provide a reason for your support/opposition.:
3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?: No
3.1 – Please provide a reason for your support/opposition.:
4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?: No

4.1 – Please provide a reason for your support/opposition.:

5 – Do you support the proposed management zones?:

5.1 – Please provide a reason for your support/opposition.:

6 – Do you support the proposed trade rules including no trade between management zones?: No

6.1 – Please provide a reason for your support/opposition.:

7 – Do you support the proposed access rule that restricts access when Menindee Lakes is below 195 GL except during periods when there is at least 4,500 ML/day in the Namoi River at the Bugilbone gauge?: No

7.1 – Please provide a reason for your support/opposition.:

8 – Do you support the proposed amendment provisions?: No

8.1 – Please provide a reason for your support/opposition.:

Submission details

1 – Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and account limit of 3 ML per unit share at any time?: No

1.1 – Please provide a reason for your support/opposition.:

2 – Do you support the proposed initial available water determination of 1 ML per unit share?: No

2.1 – Please provide a reason for your support/opposition.:

3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?: No

3.1 – Please provide a reason for your support/opposition.:

4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?: No

4.1 – Please provide a reason for your support/opposition.:

5 – Do you support the proposed trade rules including the replication of existing rules for unregulated river access licences?: No

5.1 – Please provide a reason for your support/opposition.:

6 – Do you support the proposed amendment provisions?:

No

6.1 – Please provide a reason for your support/opposition.:

Further feedback

Select the subject you wish to provide feedback on::

Downstream outcomes report, Predicted environmental outcomes, Floodplain harvesting measurement, Other information provided by the department

Please provide your feedback in the below box:

see attached

Upload additional feedback:



Namoi Floodplain Harvesting allocation and rules

Submission

BACKGROUND

The Namoi River is highly connected to the Barwon-Darling/Baaka at Walgett and should be the source of improved connectivity flows. Floodplain harvesting involves the capture of overland flows both from rainfall runoff (before water reaches streams) and river floods. The proposed allocation of water in new Floodplain Harvesting licenses in the Namoi aims to lock in past history of large volumes of unlicensed use.

The NSW Government should be aiming to improve the environmental and cultural value health of the Namoi and Barwon-Darling/Baaka rivers and to provide better water security for downstream connected communities. This requires a much greater reduction in floodwater diversion.

Cotton is the main industry using water extracted from the Namoi floodplain.

SUBMISSION POINTS:

1. Flood flows in the Namoi provide the key environmental water in the catchment that supports important cultural places like billabongs and lagoons and native fish habitat.
2. These flows also provide connectivity to the Lower Darling/Baaka and Lower Murray to enhance environmental objectives of the Basin Plan.
3. The Namoi still owes 9,500 ML (megalitre=1,000 litres) to be returned for river health under the Basin Plan.
4. I strongly object to the proposal to grant 113 new floodplain harvesting licenses in the regulated Namoi River with a total value of 54,750 unit shares (or ML).
5. I strongly object to the proposal to grant 53 new floodplain harvesting licenses in the unregulated Namoi River with a total value of 85,070 unit shares (or ML).
6. The proposed 500% carry over rule for the regulated Namoi River that would allow up to 273,750 ML of floodwaters to be extracted in one flood season is unreasonable and I do not support this.
7. The proposed 300% carry over rule for the unregulated Namoi River that would allow up to 255,210 ML of floodwaters to be extracted in one flood season is unreasonable and I do not support this..
8. I strongly object to a proposed total volume of 528,960 ML being extracted in any one year from important flood flows connecting to the Barwon-Darling/Baaka. This volume is greater than the storage capacity of Keepit Dam (425,510 ML) - the largest dam on the Namoi.
9. I object to the proposed rule to allow floodplain water extraction in the Namoi until Menindee Lakes reach a critically low level of 195 GL (gigalitre= 1 billion litres). This trigger should be at least 450 GL.
10. I similarly object to the proposed rule to allow floodplain water extraction even if Menindee Lakes are at 195 GL, if flows above Walgett reach 4,500 ML/day.
11. Any sort of trade of floodplain harvesting licenses should not be allowed to occur. The trading of water rights elsewhere in the MBD has led to many perverse outcomes and a pursuit of trading as a commodity to the detriment of water users.
12. No new works should be constructed on floodplains for the purpose of diverting flow paths.
13. Amendment provisions in water sharing plans must be strengthened to allow for genuine environmental, cultural and social improvement. They should not lock in long term volumes of floodplain harvesting accessed in the past.

Thank you for the opportunity to comment.

Friday, January 27, 2023

Submission for the proposed rules for floodplain harvesting in the Namoi Valley

digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au
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on behalf of
digital.services@squiz.dpie.nsw.gov.au <digital.services@squiz.dpie.nsw.gov.au>
Sat 28-January-2023 9:13 AM
To: Lands-Water FloodPlain Harvesting Mailbox <floodplain.harvesting@dpi.nsw.gov.au>

Permission

I would like my name and
personal details to be
treated as confidential.: Yes

Personal details

Name: [REDACTED]
Postal address: [REDACTED]
Telephone: [REDACTED]
Email address: [REDACTED]

Submission details

Who are you representing?: An organisation
If you are representing 'an
organisation', please provide
the name of the
organisation: Namoi Water
Which stakeholder group
best describes you?: Irrigation
If you answered 'other',
please provide the
stakeholder group that best
describes you:
Have you attended a
webinar or other meeting as
part of this consultation?: Meeting in Wee Waa

Submission details

1 – Do you support the
proposed 5-year account
management rules?: Yes
I support rules which accurately reflect the seasonal nature of
flooding events in northern ephemeral systems, which only occur
when our rivers are full as a result of rainfall and water is most
abundant. Rules must allow for meaningful access during these
opportunities, to provide our regional communities the opportunity
to access water when it is most abundant and to allow water users
to store excess FPH and other forms of water for future use, to
support the productive use of water and mitigate the impacts of
climate seasonality.
1.1 – Please provide a
reason for your
support/opposition.:
2 – Do you support the
proposed initial available No

water determination of 1 ML
per unit share?:

2.1 – Please provide a
reason for your
support/opposition.:

The Available Water Determination (AWD) should start at 500% as per the 5-year management rules. The licensing of Floodplain Harvesting is already enforcing a reduction of current access. Any other level of initial AWD would only serve to further restrict access for the first 5 years of the regulation without justification.

3 – Do you support the
proposed ongoing available
water determination of 1 ML
per unit share?:

Yes

3.1 – Please provide a
reason for your
support/opposition.:

Any reduction or withholding of water via an ongoing AWD would result in the reduction of current access already being enforced by the policy being increased, which would bring the accuracy of the policy in the first place into question.

4 – Do you support the
proposed rules for the
granting or amending of
water supply work approvals
to be nominated by a
floodplain harvesting access
licence?:

Yes

4.1 – Please provide a
reason for your
support/opposition.:

The premise that the rules discourage development of works resulting in an increase to take beyond the 1993-1994 development level is acknowledged.

5 – Do you support the
proposed management
zones?:

Yes

5.1 – Please provide a
reason for your
support/opposition.:

Assuming that the question is referring to management zones for the purpose of trade, then yes, the concept of using Trade Management Zones is supported to prevent concentration through trade. However, if clear proximity and/or connectivity can be demonstrated so that there is no reduction to other license holders' reliability of access then trade within management zones is supported. The rules must include how zone boundaries will be assessed regarding works which straddle zone boundaries.

6 – Do you support the
proposed trade rules
including no trade between
management zones?:

No

6.1 – Please provide a
reason for your
support/opposition.:

No trade between management zones is reasonable to prevent concentration. Volumetric Licensing of Floodplain Harvesting will reduce access from its current levels and bring it in line with Plan and Cap limits. Trade will not allow additional access but will allow businesses to adapt if their historical access changes due to volumetric licensing. Ability to trade is a requirement under the National Water Initiative and should only be restricted where there is no clear proximity and/or physical connectivity to support a trade. A trade assessment framework must be adapted including an appeals process to further assess anomalies/exceptional circumstances in

specific applications which demonstrate clear proximity and/or connectivity, demonstrate no impact to other licence holders' reliability of access and deliver water use efficiencies. Floodplains are connected in times of flood and there should not be any restrictions to allowing a mechanism for water users to manage their business risk.

7 – Do you support the proposed access rule that restricts access when Menindee Lakes is below 195 GL except during periods when there is at least 4,500 ML/day in the Namoi River at the Bugilbone gauge?:

No

I reject the 4500ML per day trigger at the Bugilbone gauge. This trigger is in the large fresh range, when anabranch connection occurs, and will result in opportunities for upstream users being inaccessible during flows which would not make the end of system or, in some cases, the river channel. This is an inequity when compared to other valleys. The Border Rivers trigger is 3000ML per day in the Barwon River at the Mungindi gauge which is at the top of the small fresh range. The Gwydir has multiple trigger locations which are generally in the small fresh range. The Namoi is a complex system and to ensure opportunities are not missed by upstream users, one single trigger point is not feasible. The Boggabri gauge should be the Upper Namoi (Keepit to Wee Waa) trigger at a figure of 3000ML per day which is the top of the small fresh range. The Bugilbone gauge should be the Lower Namoi (Wee Waa to Walgett) trigger at a figure of 2600ML per day which is at the top of the small fresh range.

7.1 – Please provide a reason for your support/opposition.:

8 – Do you support the proposed amendment provisions?:

No

Industry has rejected the model in its current state and no amendments are supported until such time as they can be considered with a fit for purpose model. The current amendment provisions undermine the certainty which establishing a clear set of rules would provide by making them "subject to further changes" and do not provide a clear process for implementation. The amendments need to clearly articulate implementing processes, ensuring consultation and engagement of the community in any future decisions. I only support an amendment that requires the recalibration of an industry accepted valley-wide model using metering information collected from implementing floodplain licencing at year five or after a flood event. This will enable further assessment of assumptions around floodplain harvesting opportunity and the suitability of the accounting framework. Any amendment must acknowledge the cumulative effect of water reform and put the local communities at the centre of decision making.

8.1 – Please provide a reason for your support/opposition.:

Submission details

1 – Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and account limit of 3 ML per unit share at any time?:

Yes

I support rules which accurately reflect the seasonal nature of flooding events in northern ephemeral systems, which only occur when our rivers are full and spilling and water is most abundant. Rules must allow for meaningful access at these rare times, to provide our regional economies the opportunity to access water when it is most abundant and store it for future use, to support the productive use of water.

1.1 – Please provide a reason for your support/opposition.:

2 – Do you support the proposed initial available water determination of 1 ML per unit share?:

No

2.1 – Please provide a reason for your support/opposition.:

The Available Water Determination (AWD) should start at 300% as per the 3-year management rules. The licensing of Floodplain Harvesting is a reduction of current access, therefore any other level of initial AWD is restricting access for the first 3 years of the regulation.

3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?:

Yes

3.1 – Please provide a reason for your support/opposition.:

Any reduction or withholding of water via an ongoing AWD would result in the reduction enforced by the policy being increased, which would bring the accuracy of the policy in the first place into question.

4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?:

4.1 – Please provide a reason for your support/opposition.:

The premise that the rules discourage development of works resulting in an increase to take beyond the 1993-1994 development level is acknowledged.

5 – Do you support the proposed trade rules including the replication of existing rules for unregulated river access licences?:

No

5.1 – Please provide a reason for your

The ability to trade water is essential to water users and allows adaptation to seasonal conditions, policy, and legislation, creates

support/opposition.:

water use efficiencies through management decisions and delivers environmental benefits through these efficiencies. The current unregulated trade rules were implemented without any consultation regarding the assessment process, resulting in an inability to trade, despite the higher levels of connectivity in several zones. There must be a trade assessment framework adapted which facilitates an appeals process to further assess anomalies/exceptional circumstances in specific applications which can demonstrate clear proximity and/or connectivity so that there is no reduction to other licence holders' reliability of access and/or deliver water use efficiencies. floodplains are connected in times of flood, hence there should not be any restrictions to allowing a mechanism for water users to manage their business risk. There must be clear definition of how un

6 – Do you support the proposed amendment provisions?:

No

6.1 – Please provide a reason for your support/opposition.:

The ability to trade water is essential to water users and allows adaptation to seasonal conditions, policy, and legislation, creates water use efficiencies through management decisions and delivers environmental benefits through these efficiencies. The current unregulated trade rules were implemented without any consultation regarding the assessment process, resulting in an inability to trade, despite the higher levels of connectivity in several zones. There must be a trade assessment framework adapted which facilitates an appeals process to further assess anomalies/exceptional circumstances in specific applications which can demonstrate clear proximity and/or connectivity so that there is no reduction to other licence holders' reliability of access and/or deliver water use efficiencies. floodplains are connected in times of flood, hence there should not be any restrictions to allowing a mechanism for water users to manage their business risk. There must be clear definition of how un

Further feedback

Select the subject you wish to provide feedback on.:

Other

Please provide your feedback in the below box:

MODELLING The e-Source Model used for the Namoi Floodplain Harvesting has been rejected by industry in its current state. There are forty-six (46) issues tabled to the department arising from the model outcomes with a response only provided three working days before submissions are due. Until there is a model available which has been peer reviewed, further industry consultation held and acceptance of that model there should be no further progression of Floodplain Harvesting in the Namoi. I reject the e-Source Model of the Namoi. CONSULTATION has not been acceptable. Only one in person forum was held and one online webinar. Such minimal consultation at a time when stakeholders in the Namoi were managing flood impacts and salvaging crops is unreasonable. A webinar with only a written comments section for questions is an information download, not consultation. The presentations shown

quoted that "This reform is too important to delay". Wrong. "This reform is too important to get wrong".

Upload additional feedback: Namoi Water Source Model submission .pdf, type application/pdf, 462.6 KB

Submission to Floodplain Harvesting licence rules in the Water Sharing Plan for the Namoi valley.



Floodwater leaving the Namoi River, moving North West across the floodplain.

This water does not return to the river channel.

November 2021

Introduction

██████████ welcomes this opportunity to provide a formal submission to the proposed floodplain harvesting rules, and the new e-Source model from which the rules are proposed for consideration by the NSW Government.

██████████ is a widely recognised and highly regarded peak industry group which represents water entitlement holders across the Peel, Upper Namoi and Lower Namoi valleys in the North West of New South Wales.

██████████ has a proud history of providing strong, positive contributions towards the management of water, and as an apolitical, not-for-profit organisation we advocate for and support proactive, sustainable water policy and legislation that provides positive outcomes for our members whilst also meeting the environmental, economic, cultural, and social requirements of the local communities throughout the catchment. ██████████ is funded by a voluntary nominal levy on a cents per megalitre basis by water entitlement holders.

This submission is made on behalf of all members, but individuals reserve the right to make their own submission. Each member of ██████████ is also a member of the NSW Irrigators Council and therefore we endorse their submission unless specifically stated.

Overview

██████████ welcomes the licensing, measuring and metering of Floodplain Harvesting in the catchment. The rules-based system is supported rather than the ad hoc approach of the use of ministerial section 234 decisions based on insufficient punctuality by WaterNSW in this process which results in genuine legal access opportunities being missed by water users.

ACCOUNT MANAGEMENT

Currently it is proposed the account management rules for floodplain harvesting access licences in the Lower Namoi Regulated River Water Source is an account limit of 5 ML per unit share, and 3ML per unit share in the Namoi Unregulated River Water Sources. ██████████ supports this proposal based on supporting rules which accurately reflect the seasonal nature of flooding events in northern ephemeral systems, which only occur when our rivers are full because of rainfall and water is most abundant. Rules must allow for meaningful access during these opportunities, to provide our regional economies the opportunity to access water when it is most abundant and to allow water users to store excess FPH and other forms of water for future use, to support the productive use of water and mitigate the impacts of climate seasonality.

AVAILABLE WATER DETERMINATIONS

Currently it is proposed the initial available water determination (AWD) for floodplain harvesting (regulated river) access licences in the Lower Namoi Regulated River water Source be 1 ML (100%) per unit share.

does not support this proposal.

The Available Water Determination (AWD) should start at 500% as per the 5-year management rules in the Lower Namoi Regulated River Water Source and 300% as per the 3-year management rules in the Namoi Unregulated River Water Sources. The licencing of Floodplain Harvesting is already enforcing a reduction of current access. Any other level of initial AWD would only serve to further restrict access for the first 5 (Lower Namoi Regulated River Water Source) and 3 years (Namoi Unregulated River Water Sources) of the regulation without justification.

MANAGEMENT ZONES

The proposed management zones which are limited to within the three declared floodplains, which largely reflect one or more existing unregulated river source boundaries are acceptable to [REDACTED]. However, it is essential the rules regarding trade clearly define how zone boundaries will be assessed regarding works approvals which straddle zone boundaries.

TRADE

No trade between management zones is a reasonable concept to prevent concentration, but there must be scope within the rules to assess applications for trade between zones where it can be demonstrated licence holders require trade to allow adaptation to seasonal conditions, policy, legislation, create water use efficiencies through management decisions and deliver environmental benefits through these efficiencies.

Volumetric Licencing of Floodplain Harvesting will reduce access from its current levels and bring it in line with Plan and Cap limits.

Trade will not allow additional access, however it will allow businesses to adapt and adjust if their historical access changes due to volumetric licencing. The ability to trade is a requirement under the National Water Initiative and should only be restricted where there is no clear proximity and/or physical connectivity to support the trade.

There must be a trade assessment framework adapted which includes an appeals process to further assess anomalies / exceptional circumstances. In specific instances where licence holders can demonstrate:

- clear proximity and/or connectivity so that there is no reduction to other licence holders' access
- adaptation to seasonal conditions, policy, and legislation,
- creation of water use efficiencies through management decisions and delivery of environmental benefits through these efficiencies

There needs to be processes that support these outcomes.

The current unregulated trade rules were implemented without any consultation regarding the assessment process,

resulting in an inability to trade, despite the higher levels of connectivity in several zones.

Floodplains are connected in times of flood, hence there should not be any restrictions to allowing a mechanism for water users to manage their business risk.

There must be clear definition of how unregulated floodplain harvesting trade will be assessed when some areas will be within the same zone for unregulated surface water yet in different zones when considering groundwater sources.

NEW OR AMMENDED WATER SUPPLY WORK APROVALS

The premise that the rules prevent development of works resulting in an increase to take beyond the 1993-1994 development level is acknowledged.

ACCESS RULES

The proposed access rule for floodplain harvesting (regulated river) access licences in the Lower Namoi Regulated River Water Source states:

Water cannot be taken when there is less than 195GL stored in the Menindee Lakes System except during periods where there is a flow of at least 4,500 ML/day in the Namoi River at the Bugilbone gauge (419021)

██████████ rejects the 4500ML per day trigger at the Bugilbone gauge (419021). This trigger is in the large fresh range, and is when anabranch connection occurs, and will result in opportunities which would not make the end of system for upstream water users, or for flows which would not reach the river being inaccessible.

This is an inequity when compared to other valleys. For example, the Border Rivers trigger is 3000ML per day in the Barwon River at the Mungindi gauge (416001) which is at the top of small fresh and the bottom of large fresh. The Gwydir has multiple trigger locations, which are generally in the small fresh range.

The Namoi is a complex system with very clear climatic and environmental contrasts from the beginning of the catchment to the end. To ensure opportunities are not missed by upstream users one single trigger point is not feasible. The Boggabri gauge (419012) should be the Upper Namoi (Keepit

to Wee Waa) trigger at a figure of 3000ML per day which is the top of the small fresh range. The Bugilbone gauge (419021) should be the Lower Namoi (Wee Waa to Walgett) trigger at a figure of 2600ML per day which is at the top of the small fresh range.

Therefore, [REDACTED] recommend the rule state:

Take not permitted under a floodplain harvesting (regulated river) access licence (applied at management zone level) when there is less than 195 GL in the Menindee Lakes system (as defined in the Murray-Darling Basin Agreement.

Rule ceases to apply during periods when a flow is forecast to occur that is at least:

- ***3000ML/day in Namoi River at Boggabri gauge (419012)***
- ***2600ML/day in the Namoi River at Bugilbone gauge (419021)***

AMMENDMENT PROVISIONS

Industry has rejected the model in its current state and no amendments are supported until such time as they can be considered with a fit for purpose model. The current amendment provisions undermine the certainty which would be provided by establishing a clear set of rules by making them “subject to further changes”. They undermine confidence in the process, especially as they do not provide a clear process for implementation. The amendments need to clearly articulate implementing processes, ensuring consultation and engagement of the community in any future decisions. These amendments acknowledge that there is not perfect information, which implementation of licencing can help to address.

I support an amendment that requires the recalibration of an industry accepted valley-wide model using metering information collected from implementing floodplain licencing at year five or after a flood event. This will enable further assessment of assumptions around floodplain harvesting opportunity and the suitability of the accounting framework. Any amendment must acknowledge the cumulative effect of water reform and put the local communities at the centre of decision making.

MODELLING

██████████ rejects the e-Source Model of the Namoi.

Resulting from the outcomes of the e-Source Model from the fourth workshop ██████████ tabled 17 questions, requests and statements to Department of Planning and Environment on 21 November 2022. Following the public consultation meeting in Wee Waa on 30 further questions, requests and statements were tabled in pdf form via email on 16 December 2022 to Department of Planning and Environment.

Receipt of these two letters was acknowledged, and staged responses in recognition of the significant concerns held by industry was indicated.

24 January at 4:52pm ██████████ ██████████ received two files which responded to the letters. This submission is to close on Sunday 29 January 11:59pm. This five (5) day period includes a weekend and a public holiday, leaving only two (2) working days for industry to comprehensively review, research and consult as required. This timeframe is unacceptable to ██████████ ██████████.

To demonstrate the level of concern and the significance of the results of the outcomes which are proposing a permanent reduction in Supplementary Access ██████████ offer the following case study:

In total there are 115,479 ML¹ of Supplementary Water access licences in the Lower Namoi Regulated River Water Source.

- 25,122.20 ML of Supplementary A @ value of \$4000/ML² equals \$100,488,800.
- 90,356.80 ML of Supplementary B @ value of \$1700/ML equals \$153,606,560.
- Total value of Supplementary licences in Lower Namoi is \$254,095,360.

One sample Lower Namoi aggregation holds 5,867.92 ML of Supplementary Access B class licences, a value of \$9,975,464 (@\$1700/ML).

The proposal of a 22% permanent reduction in Supplementary Access would result in \$2,194,602.08 of water asset being unusable.

- At 10 ML/HA sample Lower Namoi aggregation can irrigate 586ha of cotton with its Supplementary Water entitlements.
- Assume a yield of 14 BALES/HA.
- Total bales 8,204. Use price of \$600 per bale, generates \$4,922,400.
- Remove 22% of this via a permanent AWD reduction result in \$3,839,472 (\$1,082,928 less).
- Add the accepted multiplier of 2.5³, results in \$2,707,320 removed from the local economy.

¹ https://www.industry.nsw.gov.au/__data/assets/pdf_file/0012/479784/wam-namoi-regulated-river-water-sources.pdf

² Most recent sale data, Nutrien Harcourts. <https://nutrien.harcourts.net/au/office/narrabri>

³ Industry accepted multiplier

The e-Source model should not include the assumption of 100% Supplementary Access each year. This is not realistic, and the input to the model should be actual access, not 100% with the justification being the Water Sharing Plan allows it. All reform must consider the triple bottom line approach, and the demonstrations and justifications around this must be provided to all stakeholders as part of the consultation process.

CONSULTATION

██████████ remains unsatisfied and disappointed with the consultation process regarding floodplain harvesting.

As a broad statement, licence holders across the Namoi state there has been little to no consultation to ground truth any assumptions used as inputs to the e-Source Model.

The length of time the four (4) e-Source Model workshops took to be delivered (26 October 2021 – 7 November 2022) was much greater than initially communicated, with very little information or updates between sessions to inform participants of progress.

Following the fourth e-Source Model workshop, despite request from industry for a minimum of two public consultation sessions only one was scheduled at a time when irrigators in the Namoi were dealing with floodwater, flood damage, salvaging what crop remained post flood to be harvested and planting summer crop. As forecast by industry, there were many unable to attend the one single public consultation who if afforded the opportunity of one or two

more dates would have seen a much larger percentage of licence holders attend public consultation.

One webinar was conducted, which did not allow for questions or statements directly from participants. The only opportunity for input was to type comments which is not acceptable. The comments section of online meetings is not moderated or chaired and only serves to provide a platform for participants to make statements or queries without accountability or consequence.

The period post public consultation meeting was the Christmas holiday period, which saw any opportunity to continue to consult with government and department removed due to staff unavailability. Coupled with a staged return from leave resulted in extreme difficulties to interact with the essential staff in government and department alike.

The outcome of the e-Source model which has resulted in the proposed reduction of Supplementary Access would have been recognised before the release of the model and any associated volumes and flows as an outcome of extreme significance and identified as a key focus from industry.

██████ is perplexed as to why this was not communicated to industry and workshopped to ensure accuracy.

The online submission form available to be used on the Industry NSW website at

<https://www.industry.nsw.gov.au/water/plans-programs/healthy-floodplains-project/water-sharing-plan-rules/namoi-valley/how-to-fill-out-this-form>

is an insult to all stakeholders who wish to submit.

To be limited to one thousand characters (1000) characters per section is an outrageous limitation of free speech and is viewed as extreme arrogance by industry. This webtool has resulted in less than ideal responses from stakeholders due to difficulties and frustrations when viewing responses, no spellcheck function and the cap on characters has seen submissions not completed as stakeholders prefer or even not submitted at all due to frustration with the webtool.

All reform must consider the triple bottom line approach, and the demonstrations and justifications around this must be provided to all stakeholders as part of the consultation process.

██████████ rejects the e-Source Model of the Namoi.

CONCLUSION

The Department of Planning and Environment state:

“This reform is too important to delay”

██████████ in response state, this reform is too important to get wrong, so until such time as there is a model available which has been peer reviewed, publicly consulted on, deemed as fit for purpose and accepted by industry there should be no further progression of Floodplain Harvesting Licensing in the Namoi.

██████████ **rejects the e-Source Model of the Namoi.**

END

Submission for the proposed rules for floodplain harvesting in the Namoi Valley

[REDACTED]

Sun 29-January-2023 5:37 PM

To: Lands-Water FloodPlain Harvesting Mailbox <floodplain.harvesting@dpi.nsw.gov.au>

Permission

I would like my name
and personal details to
be treated as
confidential.:

Yes

Personal details

[REDACTED]

[REDACTED]

Who are you
representing?:

Myself (individual)

If you are representing
'an organisation', please
provide the name of the
organisation:

Which stakeholder group
best describes you?:

Irrigation

If you answered 'other',
please provide the
stakeholder group that
best describes you:

Have you attended a
webinar or other
meeting as part of this
consultation?:

Meeting in Wee Waa

Submission details

1 – Do you support the
proposed 5-year account
management rules?:

Yes I support rules which accurately reflect the seasonal nature of flooding events in northern ephemeral systems, which only occur when our rivers are full as a result of rainfall and water is most abundant. Rules must allow for meaningful access during these opportunities, to provide our regional communities the opportunity to access water when it is most abundant and to allow water users to store excess FPH and other forms of water for future use, to support the productive use of water and mitigate the impacts of climate seasonality.

1.1 – Please provide a
reason for your
support/opposition.:

2 – Do you support the proposed initial available water determination of 1 ML per unit share?:

No

2.1 – Please provide a reason for your support/opposition.:

No The Available Water Determination (AWD) should start at 500% as per the 5-year management rules. The licensing of Floodplain Harvesting is already enforcing a reduction of current access. Any other level of initial AWD would only serve to further restrict access for the first 5 years of the regulation without justification.

3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?:

Yes

3.1 – Please provide a reason for your support/opposition.:

Yes Any reduction or withholding of water via an ongoing AWD would result in the reduction of current access already being enforced by the policy being increased, which would bring the accuracy of the policy in the first place into question.

4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?:

Yes

4.1 – Please provide a reason for your support/opposition.:

Yes The premise that the rules discourage development of works resulting in an increase to take beyond the 1993-1994 development level is acknowledged.

5 – Do you support the proposed management zones?:

Yes

5.1 – Please provide a reason for your support/opposition.:

Yes Assuming that the question is referring to management zones for the purpose of trade, then yes, the concept of using Trade Management Zones is supported to prevent concentration through trade. However, if clear proximity and/or connectivity can be demonstrated so that there is no reduction to other license holders' reliability of access then trade within management zones is supported. The rules must include how zone boundaries will be assessed regarding works which straddle zone boundaries.

6 – Do you support the proposed trade rules including no trade between management zones?:

No

6.1 – Please provide a reason for your support/opposition.:

No No trade between management zones is reasonable to prevent concentration. Volumetric Licensing of Floodplain Harvesting will reduce access from its current levels and bring it in line with Plan and Cap limits. Trade will not allow additional access but will allow businesses to adapt if their historical access changes due to volumetric

licencing. Ability to trade is a requirement under the National Water Initiative and should only be restricted where there is no clear proximity and/or physical connectivity to support a trade. A trade assessment framework must be adapted including an appeals process to further assess anomalies/exceptional circumstances in specific applications which demonstrate clear proximity and/or connectivity, demonstrate no impact to other licence holders' reliability of access and deliver water use efficiencies. Floodplains are connected in times of flood and there should not be any restrictions to allowing a mechanism for water users to manage their business ri

7 – Do you support the proposed access rule that restricts access when Menindee Lakes is below 195 GL except during periods when there is at least 4,500 ML/day in the Namoi River at the Bugilbone gauge?:

No I reject the 4500ML per day trigger at the Bugilbone gauge. This trigger is in the large fresh range, when anabranch connection occurs, and will result in opportunities for upstream users being inaccessible during flows which would not make the end of system or, in some cases, the river channel. This is an inequity when compared to other valleys. The Border Rivers trigger is 3000ML per day in the Barwon River at the Mungindi gauge which is at the top of the small fresh range. The Gwydir has multiple trigger locations which are generally in the small fresh range. The Namoi is a complex system and to ensure opportunities are not missed by upstream users, one single trigger point is not feasible. The Boggabri gauge should be the Upper Namoi (Keepit to Wee Waa) trigger at a figure of 3000ML per day which is the top of the small fresh range. The Bugilbone gauge should be the Lower Namoi (Wee Waa to Walgett) trigger at a figure of 2600ML per day which is at the top of the small fresh rang

7.1 – Please provide a reason for your support/opposition.:

8 – Do you support the proposed amendment provisions?:

No

8.1 – Please provide a reason for your support/opposition.:

No Industry has rejected the model in its current state and no amendments are supported until such time as they can be considered with a fit for purpose model. The current amendment provisions undermine the certainty which establishing a clear set of rules would provide by making them "subject to further changes" and do not provide a clear process for implementation. The amendments need to clearly articulate implementing processes, ensuring consultation and engagement of the community in any future decisions. I only support an amendment that requires the recalibration of an industry accepted valley-wide model using metering information collected from implementing floodplain licencing at year five or after a flood event. This will enable further assessment of assumptions around floodplain harvesting opportunity and the suitability of the accounting framework.

Any amendment must acknowledge the cumulative effect of water reform and put the local communities at the centre of decision making

Submission details

1 – Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and account limit of 3 ML per unit share at any time?:

Yes

1.1 – Please provide a reason for your support/opposition.:

Yes I support rules which accurately reflect the seasonal nature of flooding events in northern ephemeral systems, which only occur when our rivers are full and spilling and water is most abundant. Rules must allow for meaningful access at these rare times, to provide our regional economies the opportunity to access water when it is most abundant and store it for future use, to support the productive use of water.

2 – Do you support the proposed initial available water determination of 1 ML per unit share?:

No

2.1 – Please provide a reason for your support/opposition.:

No The Available Water Determination (AWD) should start at 300% as per the 3-year management rules. The licensing of Floodplain Harvesting is a reduction of current access, therefore any other level of initial AWD is restricting access for the first 3 years of the regulation.

3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?:

Yes

3.1 – Please provide a reason for your support/opposition.:

Yes Any reduction or withholding of water via an ongoing AWD would result in the reduction enforced by the policy being increased, which would bring the accuracy of the policy in the first place into question.

4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?:

Yes

4.1 – Please provide a reason for your support/opposition.:

Yes The premise that the rules discourage development of works resulting in an increase to take beyond the 1993-1994 development level is acknowledged.

5 – Do you support the proposed trade rules including the replication of existing rules for unregulated river access licences?:

No

5.1 – Please provide a reason for your support/opposition.:

No This section does not provide enough characters to adequately respond to this question. Please refer to the Namoi Water submission for commentary regarding unregulated river access licenses and proposed trade rules. It is disappointing to me there is a limit to responses in each section. By limiting input, there cannot be claims of robust consultation made by government or department.

6 – Do you support the proposed amendment provisions?:

No

6.1 – Please provide a reason for your support/opposition.:

No Industry has rejected the model in its current state and no amendments are supported until such time as they can be considered with a fit for purpose model. The current amendment provisions undermine the certainty which establishing a clear set of rules would provide by making them “subject to further changes” and do not provide a clear process for implementation. The amendments need to clearly articulate implementing processes, ensuring consultation and engagement of the community in any future decisions. I only support an amendment that requires the recalibration of an industry accepted valley-wide model using metering information collected from implementing floodplain licencing at year five or after a flood event. This will enable further assessment of assumptions around floodplain harvesting opportunity and the suitability of the accounting framework. Any amendment must acknowledge the cumulative effect of water reform and put the local communities at the centre of decision making.

Further feedback

Select the subject you wish to provide feedback on::

Please provide your feedback in the below box:

Upload additional feedback:

How is the NSW Government allowed to steal water - Flood Plain Harvesting policy.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 18.2 KB

How is the NSW Government allowed to steal water from a farmer's water account with this current proposed Flood Plain Harvesting policy?

Let me explain this question and I expect an answer to this question at the proposed meeting.

We are situated in the Upper Namoi and have a Mooki River Unregulated water and Groundwater allocation.

Under the Flood Plain Harvesting rules the NSW Government has adopted (or is planning to adopt) the approach that when Unregulated Area Allocation licenses were converted to Volumetric Allocations (in early 2000's) they deemed that they had already provided for Flood Plain Harvesting water, which was a convenient way of reducing extra water allocation.

Their justification of this declaration is as per the below extract from DPI&E letter:

Volumetric conversion of licences in unregulated rivers occurred following the commencement of the Water Management Act 2000. This process was based on information obtained through surveys submitted by licence holders. The surveys provided detail on irrigated areas, crops and methods of water extraction from 1993-99. Annual entitlements for unregulated river access licences were calculated by multiplying the authorised area by the relevant crop conversion rate(s). In most cases, floodplain harvesting was accounted for in the entitlement calculated as part of this process.

Through this process we received the following notice that we would not be issued any extra FPH water license and that any flood plain harvesting take would be taken from our Unregulated License Allocation:

- *No additional FPH entitlement is to be provided. Floodplain harvesting may occur up to the limit of your existing unregulated entitlement subject to approval of floodplain harvesting works#.* (Letter from the Healthy Flood plains anomalies committee chair Conrad Bolton)

Just to be clear, the definition of a Water Source under the 1912 Water Act – which was the water act in place at the time of the Unregulated River volumetric license conversions during the period DPI&E letter is referring to is:

Division 4B Volumetric water allocations schemes

20 V Definitions

(1) In this Division, except in so far as the context or subject-matter otherwise indicates or requires:

entitlement means:

(a) a licence, permit, authority, irrigation corporation licence or group licence, or

(b) in relation to a trust, the right to take and use water conferred on the trust by section 38B.

scheme, in relation to any water source, means a volumetric water allocations scheme in force in respect of that water source under section 20X.

trust means a trust constituted under Part 3 that is declared by the regulations to be a trust to which this Division applies.

water allocation, in relation to any entitlement, which authorises the taking of water from a water source which is subject to a scheme, means the quantity of water specified in the condition (as may be modified from time to time under this Division) attached to, or included in, the entitlement pursuant to section 20X (5) or section 20AB (1) (b) as being the maximum quantity which may, subject to this Division, be taken from that water source in any year under the entitlement for the purpose or purposes specified in the entitlement.

water source means:

(a) a river, lake or section of a river, or

(b) a combination of 2 or more of them.

Further study of the 1912 Water Act also defines what a “river” is:

River includes:

(a) a stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel artificially improved, or in an artificial channel which has changed the course of the stream,

(b) an affluent, confluent, branch or other stream of water into or from which a stream referred to in paragraph (a) flows, and

(c) anything declared by the Ministerial Corporation by order published in the Gazette to be a river,

but does not include anything declared by the Ministerial Corporation by order published in the Gazette as not being a river and, unless the regulations otherwise provide, does not include those waters of a tidal river that at any time are not capable of being used for irrigation or for watering stock.

There was never any mention of “Floodplain” or “Overland flow” during any stage of the volumetric conversion, the DPI&E are relying on the lack of memory that irrigators have, they cannot retrospectively change the process that we undertook to suit DPI&E current needs. To say that the volumetric conversion process allowed for flood plain harvesting is a classic case of gaslighting the irrigators that were not issued a FPH License and this gaslighting should be called for what it is and the policy corrected back to the truth!

Whilst this alone is a difficult pill to swallow (as other landholders who developed unregulated licenses on the Mooki after us have received a FPH licence in addition to their Mooki license), the process has created a complete inequity.

The main issue I have is that we have an approved irrigation system with no flood protection levees (due to the legal limitations for our flood plain which is very different to the Wee Waa/Narrabri areas) and therefore must accept Flood Plain water whether we like it or not. This then triggers an inequity which I believe the DPIE and Government are refusing to address.

The inequity occurs when run off from a neighbour enters our farm's tail water system – which cannot legally be prevented due to no flood protection levees allowed. This so called flood plain harvesting water immediately converts ALL water in our own tailwater system into flood plain harvested water, irrespective of the quantum of the neighbours overland flow that has entered our system. Flooded fields must be drained to save the crops and clearly the tailwater is then recycled and lifted back into our storage, all of this tailwater (which is from our own farm AND any neighbour overland flow) will be deducted from our Mooki unregulated licence allocation.

To understand this issue clearly, I will provide a realistic (although ignoring evaporation) scenario below:

- In this example the farmer (Farmer A) has a 1000 ML Unregulated License
- The farmer has a high flow, in the Unregulated river, and pumps 700 ML into their on farm storage (Fees are being paid for this water), effect is 700 ML in the Storage as per water meter and the Unreg water allocation balance remaining = +300 ML (1000-700ml pumped=300 ML)
- The farmer irrigates their 600 ha crop applying 1 ML per ha, storage now 100 ML, Unreg Water License balance still +300 ML, 600 hectares of fields now have a full moisture profile
- A large storm front moves through the region delivering 100 ml of rain (1 ML per hectare), the 600 ha just irrigated now runs off 600 ML into tailwater system as these fields were already at full point and could not absorb any more water.
- At this stage all of that runoff is legally the farmer A's to pump back into their storage as tailwater from their irrigated fields.
- However, this farm is in the Upper reaches of the catchment and due to narrow flood plain is legally NOT allowed to have Flood Exclusion banks (levee banks). The farmer's neighbour- Farmer B, who just irrigated 100 ha, does not have adequate storage in their tailwater system and due to the massive rain event Farmer B's tailwater runoff over flows approximately 30 ML onto the farmer next door - Farmer A, the event is NOW classified as a Flood Plain Harvesting event
- So what is the impact of that?

- Farmer A, under the current proposed legislation, now has their 600 ML of tailwater runoff + 30 ML from Farmer B declared Flood Plain Harvested water and has 630 ML taken from Farmer A's Unregulated River Allocation License
- Impact = the Storage has 730 ML (previous balance 100ML + 600ML from own run-off tailwater system + 30ML from neighbour overland flow), Unreg Allocation balance is now – 330 ML (300ml- 630ml). Farmer A also has to pay water license fee for the 600 ML from their own runoff water again plus for the extra 30 ML that ran onto their farm from the neighbour.
- Farmer A had tailwater runoff they rightfully owned – as this water was that farmers water;
 - ☐ They pumped from the river,
 - ☐ paid for the water license fee
 - ☐ had the water deducted from their allocation
 - ☐ applied the water to their field
 - ☐ and got the water back after the storm when it ran off the fields just watered
- However due to the Flood Plain Harvesting event, the entire amount of tailwater is deemed FPH water and is again deducted from their Unregulated License, of course the extra 30 ML that was FPH water should be paid for and deducted from allocation, but NOT the entire amount including the tailwater!
 - ☐ an added layer of complexity here is if Groundwater was used to irrigate some of the fields, the runoff from those fields would also be classified as Flood Plain Water and also be deducted from the Unregulated Water License allocation and re-levied with fees.

I would venture to say an illegal theft of water license fees and water by the NSW Government has occurred due to the complexity of the rules when this type of event occurs and a 'shandying' of Farmer A's own water with the unwanted overland flow water from Farmer B.

I am sure if this was tested in the court system, the court would find the NSW Govt had incorrectly taken the water and fees from Farmer A.

We should not have to test this in the court, wrong policy is not a way to develop the law, it is just plain lazy of the Govt in putting together proper policy in the first place.

So what are the solutions?

- Forget about implementing FPH policy and leave how it has been for the last 100 plus years (not likely to happen in the current environment)
- NSW DPIE actually sing for their extra Water License fees they had awarded by IPART and do the Modelling:
 - Farmer can have validated water storage meters and groundwater meters that record when water is used for irrigation and it is recorded instantaneously to the DAS system

- Models have been developed that can show on a sliding time scale how much water applied to a field is used by the crop and how much water would run-off an irrigated field during a measured rain event
 - These model outputs would then simply identify how much water the farmer would return into their storage as tailwater run-off and any extra would be FPH water if it occurred during a designated Flood plain Event
- c. NSW Government issue FPH license (bumped up with the on-farm rainfall factor) on top of the Unregulated Water License so that tailwater if it must be declared FPH water is deducted from the correct allocation (not the ideal solution when unwanted water flows onto your farm).
 - d. Allow every farmer the legal right to build a flood levee around their property to then have the legal right to exclude unwanted floodplain water (this solution would create havoc in narrow floodplain areas by causing excess inundation on neighbours farms)
 - e. Exempt farmers that don't have levees from being subjected to the flood plain licensing act
 - f. Better minds than mine can come up with solutions I am sure

I hope that this letter clearly explains the dilemma, I would be more than happy to discuss further.

What is clear is that the current policy development is wrong, inequitous and would not stand up in a court of law, this must be addressed as a matter of urgency before we have to go to court over it.

I asked this and other questions at the Wee Waa consultation and to be honest the answer was completely inadequate and a form of gaslighting. We look forward to properly answering these questions and changes in FPH Policy to correct the mistakes that have been made in the current policy development.

Submission for the proposed rules for floodplain harvesting in the Namoi Valley

Sun 29-January-2023 10:21 PM

To: Lands-Water FloodPlain Harvesting Mailbox <floodplain.harvesting@dpi.nsw.gov.au>

Permission

I would like my name and personal details to be treated as confidential.: Yes

Personal details

Name:

Postal address:

Telephone:

Email address:

Submission details

Who are you representing?: Myself (individual)

If you are representing 'an organisation', please provide the name of the organisation:

Which stakeholder group best describes you?: Irrigation

If you answered 'other', please provide the stakeholder group that best describes you:

Have you attended a webinar or other meeting as part of this consultation?: None of these

Submission details

1 – Do you support the proposed 5-year account management rules?:

1.1 – Please provide a reason for your support/opposition.:

I support rules which accurately reflect the seasonal nature of flooding events in northern ephemeral systems, which only occur when our rivers are full as a result of rainfall and water is most abundant. Rules must allow for meaningful access during these opportunities, to provide our regional communities the opportunity to access water when it is most abundant and to allow water users to store excess FPH and other forms of water for future use, to support the productive use of water and mitigate the impacts of climate seasonality.

2 – Do you support the proposed initial available No

water determination of 1 ML
per unit share?:

2.1 – Please provide a reason for your support/opposition.: The Available Water Determination (AWD) should start at 500% as per the 5-year management rules. The licensing of Floodplain Harvesting is already enforcing a reduction of current access. Any other level of initial AWD would only serve to further restrict access for the first 5 years of the regulation without justification.

3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?: Yes

3.1 – Please provide a reason for your support/opposition.: Any reduction or withholding of water via an ongoing AWD would result in the reduction of current access already being enforced by the policy being increased, which would bring the accuracy of the policy in the first place into question.

4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?: Yes

4.1 – Please provide a reason for your support/opposition.: The premise that the rules discourage development of works resulting in an increase to take beyond the 1993-1994 development level is acknowledged.

5 – Do you support the proposed management zones?: No

5.1 – Please provide a reason for your support/opposition.: Trade should be allowed so long as valley limits are capped via the licensing process

6 – Do you support the proposed trade rules including no trade between management zones?: No

6.1 – Please provide a reason for your support/opposition.: Volumetric Licencing of Floodplain Harvesting will reduce access from its current levels and bring it in line with Plan and Cap limits. Trade will not allow additional access but will allow businesses to adapt if their historical access changes due to volumetric licencing. Ability to trade is a requirement under the National Water Initiative and should only be restricted where there is no clear proximity and/or physical connectivity to support a trade. A trade assessment framework must be adapted including an appeals process to further assess anomalies/exceptional circumstances in specific applications which demonstrate clear proximity and/or connectivity, demonstrate no impact to other licence holders' reliability of access and deliver water use efficiencies. Floodplains are connected in times of flood and there should not be any restrictions to allowing a mechanism for water users to manage their business ri

7 – Do you support the proposed access rule that No

restricts access when Menindee Lakes is below 195 GL except during periods when there is at least 4,500 ML/day in the Namoi River at the Bugilbone gauge?:

I reject the 4500ML per day trigger at the Bugilbone gauge. This trigger is in the large fresh range, when anabranch connection occurs, and will result in opportunities for upstream users being inaccessible during flows which would not make the end of system or, in some cases, the river channel. This is an inequity when compared to other valleys. The Border Rivers trigger is 3000ML per day in the Barwon River at the Mungindi gauge which is at the top of the small fresh range. The Gwydir has multiple trigger locations which are generally in the small fresh range. The Namoi is a complex system and to ensure opportunities are not missed by upstream users, one single trigger point is not feasible. The Boggabri gauge should be the Upper Namoi (Keepit to Wee Waa) trigger at a figure of 3000ML per day which is the top of the small fresh range. The Bugilbone gauge should be the Lower Namoi (Wee Waa to Walgett) trigger at a figure of 2600ML per day which is at the top of the small fresh range.

7.1 – Please provide a reason for your support/opposition.:

8 – Do you support the proposed amendment provisions?:

No

8.1 – Please provide a reason for your support/opposition.:

Industry has rejected the model in its current state and no amendments are supported until such time as they can be considered with a fit for purpose model. The current amendment provisions undermine the certainty which establishing a clear set of rules would provide by making them “subject to further changes” and do not provide a clear process for implementation. The amendments need to clearly articulate implementing processes, ensuring consultation and engagement of the community in any future decisions. I only support an amendment that requires the recalibration of an industry accepted valley-wide model using metering information collected from implementing floodplain licencing at year five or after a flood event. This will enable further assessment of assumptions around floodplain harvesting opportunity and the suitability of the accounting framework. Any amendment must acknowledge the cumulative effect of water reform and put the local communities at the centre of decision making.

Submission details

1 – Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and account limit of 3 ML per unit share at any time?:

1.1 – Please provide a reason for your support/opposition.:

2 – Do you support the proposed initial available water determination of 1 ML per unit share?:

2.1 – Please provide a reason for your support/opposition.:

3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?:

3.1 – Please provide a reason for your support/opposition.:

4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?:

4.1 – Please provide a reason for your support/opposition.:

5 – Do you support the proposed trade rules including the replication of existing rules for unregulated river access licences?:

5.1 – Please provide a reason for your support/opposition.:

6 – Do you support the proposed amendment provisions?:

6.1 – Please provide a reason for your support/opposition.:

Further feedback

Select the subject you wish to provide feedback on:: Modelling, Floodplain harvesting measurement, Other information provided by the department, Other

Please provide your feedback in the below box: SEE ATTACHED DOCUMENT

Upload additional feedback: RE: N176 response to modelling submission.pdf, type application/pdf, 636.5 KB

From: [REDACTED]
Subject: [REDACTED]
Date: 29 Jan 2023 at 3:34:17 pm
To: [REDACTED]

Hello [REDACTED]

comments:

See below the farm scale validation LTAAD DPIE numbers which is only covers less than 50% of the water required for the cropped area provided in the IBQ from 2003 to 2013 see below.

The correct number for total FPH LTAAD take should be 2842 ML or about 28% of storage used for FPH take which lines up with the Gwydir numbers. Also the Tony Webber review only adjusted the rainfall runoff amounts and did not included any additional floodplain harvesting capacity for the storage increase of 19.5%.

The Valley Information Comments:

It is worth noting that the CAP/ BDL / SDL is 508 GL for all water sources in the valley and for some reason the department is only accounting for part of the total water reporting requirements in the December 2022 consultation information. And also the growth / plan limit calculation in the December information is inconsistent with the WSP compliance limit references. https://www.industry.nsw.gov.au/data/assets/pdf_file/0011/545609/report-to-assist-community-consultation.pdf

The valley FPH number now being referenced by the department has been reduced from 99 GL to 46 GL as the new plan limit.

There are now several plan limit numbers being referenced by the department which is inconsistent with its own reports, the Cap accounting process and the Water Sharing Plan. Note the original WSP limits did not include a FPH amount.

The implications of these numbers now being referenced will be the negative affect on the supplementary AWD plan limits and the reduction in FMP entitlement and addition growth limit socialisation.

See summary tables below and department report extracts.

WRP	183,130.00		Growth Increase
Storage			
WSP to BDL	173,180.00	35,640.00	21%
WSP to BDL	208,820.00	25,690.00	14%
BDL to Current	218,240.00	9,420.00	5.14%

Developed area			
1994	68,170.00		
2000	68,480.00	310.00	0.45%
2008 (BDL)	93,450.00	24,970.00	36%
BDL to Current	97,260.00	3,810.00	4%

BDL		GS	Sup	FPH	Part BDL	BDL	
2018	INT18/88546	191.5	32.2		230.3		
2019	INT17/228797	191.4	44.3	99.5	336.6		NSW
2022	PUB22/1072	146.6	32.3	46.5	225.5		NSW

	Jun-22	253.2	14	267.2	508.3	MDBA
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Table 9. Long-term average diversions (1895-2009) for determining growth in use

Diversion component	Long term average diversion (Gigalitres per year)		
	Plan limit	Current conditions	Plan limit compliance
Local water utility, domestic and stock, and regulated river (high security)	2.6	2.6	2.6
Regulated river (general security)	142.0	142.0	144.0
Supplementary	34.4	42.1	32.3
Floodplain harvesting (excludes exempt rainfall runoff)	46.5	51.3	46.0
TOTAL	225.6	238.3	225.2

Model Scenario – Namoi

Technical report

- Model run of the Namoi used to determine entitlements
- *Floodplain Harvesting Entitlements for Namoi Regulated River System Model Scenario Report* – available online

Dates of development	Developed area (ha)	Permanent on-farm storage capacity (ML)
1993/1994	68,170	139,580
1999/2000	69,480	173,180
2008/2009	93,450	208,820
Current	97,260	218,240

43% increase in developed area since 1993/94



57% increase in permanent storage since 1993/94

3 Results

The average annual usage for different components of the models is shown in Table 3-1. Please note that both the Floodplain Harvesting and On Farm Harvesting estimates will be revised under the Namoi Healthy Floodplain Policy¹ rollout.

Table 3-1. Comparison of results from original MDBA BDL and updated BDL scenarios

Category	Scenario	
	MDBA BDL	New BDL
Entitlements	(long term average usage (GL/y) (1895-2009))	
General Security	197.7	191.4
Supplementary Access	32.3	44.3
Flood Plain Harvesting ²	13.1	18.6
Utilities, Domestic & Stock	1.6	1.4
On Farm Harvesting ²	79.5	80.9
TOTAL	324.2	336.6

Murray-Darling Basin Baseline Diversion Limits - estimates for the 2021 - 2022 water year

These estimates apply for the 2021 - 2022 water years and were updated at 7 June 2022.

Zones	SDL Resource Unit (within zones)	take from a regulated river (GL/y)	take from a watercourse (GL/y)	take by floodplain harvesting (GL/y)	take from a watercourse under basic rights (GL/y)	take by runoff dams (excluding basic rights) (GL/y)	take by runoff dams under basic rights (GL/y)	net take by commercial plantations (GL/y)	total BDL ⁽¹⁾ (GL/y)	estimates of BDL by Authority in 2012 ⁽²⁾ (GL/y)	increase (+) / decrease (-) since 2012 (GL/y)
NORTHERN BASIN											
Queensland											
Condamine-Balonne ⁽³⁾	-	601.0	147.0	6.0	203.0	61.0	1.0		1,019.0	978.3	40.7
Moonee ⁽⁴⁾	-	36.8	3.8	0.4	40.0	11.0	-		92.0	84.2	7.8
Nelbong ⁽⁵⁾	-	9.8	-	0.1	-	11.0	-		20.9	31.2	-10.3
Paroo ⁽⁶⁾	-	0.2	0.7	0.3	-	10.6	-		11.8	9.9	1.9
Queensland Border Rivers ⁽⁷⁾	-	246.0	50.0	3.6	61.0	16.0	1.0		377.6	320.1	57.5
Warrego ⁽⁸⁾	-	59.1	2.8	0.2	-	13.5	-		75.6	127.7	-52.1
total northern Basin Queensland zone	-	952.9	204.3	10.6	304.0	123.1	2.0		1,596.9	1,551.4	45.5
Northern New South Wales											
Barwon-Darling Watercourse ⁽¹⁰⁾	-	194.0	14.3	-	-	-	-		208.2	198.0	10.2
Gwydir ⁽¹²⁾	291.9	11.0	143.9	8.0	104.0	20.0	1.0		579.8	450.2	129.6
NSW Border Rivers ⁽¹³⁾	164.0	16.0	43.6	8.5	79.0	16.0	-		327.1	302.6	24.5
Intersecting Streams ⁽¹⁶⁾⁽¹²⁾	-	19.6	-	2.5	105.0	6.0	-		133.1	114.0	19.1
Namoi ⁽¹²⁾	253.2	78.1	14.0	21.0	139.0	-	5.0		510.3	508.3	2.0
Macquarie-Castlereagh ⁽¹²⁾	302.2	44.0	28.1	7.1	156.0	110.0	44.0		691.4	734.3	-42.9
total northern Basin New South Wales zone	1,013.3	362.7	243.9	47.1	583.0	152.0	50.0		2,449.9	2,307.4	142.5
total northern Basin		1,013.3	1,315.6	448.2	57.7	887.0	275.1	52.0	4,046.8	3,858.8	188.0

29 Volume of the long-term extraction limit

(1) This Plan establishes a long-term extraction limit for these water sources being the lesser of:

- the long-term average annual extraction from these water sources that would occur with the water storages and water use development that existed in 1999/2000, the share components in this water source that existed on 1 July 2004 and the water management rules that were defined in this Plan on 1 July 2004; or
- the long-term average annual extraction from these water sources that would occur under Cap baseline conditions.

Notes—

- The water management rules that were defined in this Plan on 1 July 2004 included limits to the amount of water that could be made available for extraction under supplementary water access licences that were different from those currently specified in clause 48 (11). These limits were 10% of the supplementary event volume occurring between 1 July and 31 October in any water year and 50% of the supplementary event volume occurring between 1 November and 30 June in any water year.
- An assessment of the long-term average annual extraction that would occur under the conditions specified in subclause (1) (a) has been made using the Namoi IQQM run number 9078. This indicates a long-term average annual extraction volume of 238,000 megalitres.
- An assessment of the long-term average annual extraction that would result from the Cap baseline conditions in subclause (1) (b) has been made using the Namoi IQQM run number 3414. This indicates a long-term average annual extraction volume of 256,000 megalitres.
- The long-term extraction limit recognises the effect of climatic variability on the availability of water, in accordance with section 29 (2) (c) of the Act, as historic climate and river flow information is used in its determination.

(2) The values referred to in subclauses (1) (a) and (1) (b) shall be adjusted for any access licence dealing under section 71R or 71T of the Act.

(3) For the purposes of establishing the long-term extraction limit and auditing compliance with it, the following shall be included:

- all water extractions by holders of all categories of access licences in accordance with the rules used for accounting of Cap diversions for Schedule E of the Murray-Darling Basin Agreement;
- domestic and stock rights and native title rights extractions;
- volumes of water delivered as adaptive environmental water;
- floodplain harvesting extractions determined to be taken for use in conjunction with extractions from these water sources; and
- water allocations assigned from access licence water allocation accounts in these water sources to access licence water allocation accounts in any other water source.

(4) For the purposes of establishing the long-term extraction limit and auditing compliance with it, the following shall not be included:

- replenishment flows made in accordance with this Plan; or
- diversion of water pursuant to the planned environmental water rules in Part 3 of this Plan.

Responses.

Statistic	Initial			Revised			Revised			ACCOUNT
	Rainfall	Overbank	Total	Rainfall	Overbank	Total	Rainfall	Overbank	Total	
	Runoff Harvesting	Flow Harvesting	Floodplain Harvesting ¹	Runoff Harvesting ²	Flow Harvesting	Floodplain Harvesting ¹	Runoff Harvesting ²	Flow Harvesting	Floodplain Harvesting ¹	
	(ML)	(ML)	(ML)	(ML)	(ML)	(ML)	(ML)	(ML)	(ML)	
Long term average annual	675	754	1,429	576	845	1,421	576	1,132	1,708 (19.5% additional available)	8,540

diversions											
Maximum three year average annual diversions	2,243	4,341	6,565	2,232	5,279	7,510	2,232	5,279	7,510		
Maximum five year average annual diversions	1,874	2,898	4,478	1,437	3,210	4,654	1,437	3,210	4,654		

Allocation based on 1421 (ML) x 2 as the correct figure.

IBQ	Water Year	Allocation	Crop-Cotton	Max use HA	Exemption	Account Bal
	2003	2842	371		2,096.15	
Flood	2004	2842	721	4,073.65		
Flood	2005	2842	948	5,356.20		
	2006	2842	404		2,282.60	
Flood	2007	2842	509		2,875.85	
	2008	2842	-			
	2009	2842	452	-		
Flood	2010	2842	929	5,248.85		
Flood	2011	2842	1672	9,446.80		
Flood	2012	2842	1259	7,113.35		
	2013	2842	-			
		31262		31,238.85	7,254.60	23.15

Based on the LTAAD

IBQ	Water Year	Allocation	Crop-Cotton	Max use HA	Exemption	Account Bal
	2003	1421	371		2,096.15	
Flood	2004	1421	721	4,073.65		
Flood	2005	1421	948	5,356.20		
	2006	1421	404		2,282.60	
Flood	2007	1421	509		2,875.85	
	2008	1421	-			
	2009	1421	452	-		
Flood	2010	1421	929	5,248.85		
Flood	2011	1421	1672	9,446.80		
Flood	2012	1421	1259	7,113.35		
	2013	1421	-			
		15631		31,238.85	7,254.60	- 15,607.85

Regards,

[Redacted Signature Block]

All licencing enquires should be directed to [Redacted]

P Please consider the environment before printing this email

From: [Redacted]
Sent: [Redacted]
To: [Redacted]

[REDACTED]
Subject: Fwd: [REDACTED] response to modelling submission

[REDACTED]
[REDACTED]
[REDACTED]

Begin forwarded message:

From: Lands-Water FloodPlain Harvesting Mailbox

<floodplain.harvesting@dpi.nsw.gov.au>

Date: 20 December 2022 at 9:03:14 am AEDT

To: [REDACTED]

Subject: [REDACTED] response to modelling submission

Dear [REDACTED]

Please see attached correspondence in relation to your submission to the Farm Scale Validation process

Thank you
Wendy

Privacy

Your privacy is important to us. Our stakeholder management system is compliant with NSW Government's information security requirements. The data is stored in NSW for five years and users manage data under the Privacy and Personal Information Protection Act 1998. We will not disclose your personal information to anybody else unless you have given your consent or we are required to do so by law.

Privacy

Your privacy is important to us. Our stakeholder management system is compliant with NSW Government's information security requirements. The data is stored in NSW for five years and users manage data under the Privacy and Personal Information Protection Act 1998. We will not disclose your personal information to

anybody else unless you have given your consent or we are required to do so by law.

Submission for the proposed rules for floodplain harvesting in the Namoi Valley

Fri 24-February-2023 1:34 PM

To: Lands-Water FloodPlain Harvesting Mailbox <floodplain.harvesting@dpi.nsw.gov.au>

Permission

I would like my name and personal details to be treated as confidential.: No

Personal details

Name: Cathy Merchant

Postal address:

Telephone:

Email address:

Submission details

Who are you representing?: Myself (individual)

If you are representing 'an organisation', please provide the name of the organisation:

Which stakeholder group best describes you?:

Other

If you answered 'other', please provide the stakeholder group that best describes you:

Grey nomad tourer who enjoys inland healthy rivers and landscapes.

Have you attended a webinar or other meeting as part of this consultation?:

None of these

Submission details

1 – Do you support the proposed 5-year account management rules?: No

1.1 – Please provide a reason for your support/opposition.:

No carryover - one year only

2 – Do you support the proposed initial available water determination of 1 ML per unit share?:

No

2.1 – Please provide a reason for your support/opposition.:

much less than 1 ML per unit share

3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?:

No

3.1 – Please provide a reason for your support/opposition.:

4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?: No

4.1 – Please provide a reason for your support/opposition.:

Too lenient and will not assist in improving connectivity with the Barka-Darling.

5 – Do you support the proposed management zones?:	No
5.1 – Please provide a reason for your support/opposition.:	
6 – Do you support the proposed trade rules including no trade between management zones?:	No
6.1 – Please provide a reason for your support/opposition.:	No trading anywhere as the surface/groundwater connectivity is so complex and poorly understood.
7 – Do you support the proposed access rule that restricts access when Menindee Lakes is below 195 GL except during periods when there is at least 4,500 ML/day in the Namoi River at the Bugilbone gauge?:	No
7.1 – Please provide a reason for your support/opposition.:	This is not supported by valid science. Water must be much higher at Menindee to permit upstream extraction.
8 – Do you support the proposed amendment provisions?:	No
8.1 – Please provide a reason for your support/opposition.:	
Submission details	
1 – Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and account limit of 3 ML per unit share at any time?:	No
1.1 – Please provide a reason for your support/opposition.:	
2 – Do you support the proposed initial available water determination of 1 ML per unit share?:	No
2.1 – Please provide a reason for your support/opposition.:	
3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?:	No
3.1 – Please provide a reason for your support/opposition.:	
4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?:	No
4.1 – Please provide a reason for your support/opposition.:	No new works that divert flood waters. Existing works need stronger supervision.
5 – Do you support the proposed trade rules including the replication of existing rules for unregulated river access licences?:	No
5.1 – Please provide a reason for your support/opposition.:	
6 – Do you support the proposed amendment provisions?:	No

6.1 – Please provide a reason for your support/opposition.:

Further feedback

Select the subject you wish to provide feedback on::

Predicted environmental outcomes, Other as attached - space too small!

Please provide your feedback in the below box:

Namoi Unregulated Floodplan water extraction new rules.pdf, type application/pdf, 27.5 KB

Upload additional feedback:

I object strongly to a proposal to issue 53 new floodplain harvesting licences under new rules of take from the unregulated waters of the Namoi Floodplain.

Sustainable management of the complex and unique floodplains of inland NSW such as within the Namoi catchment is critical in restoring ecological health to this heavily disturbed and degraded catchment.

Floodwaters are so important for the maintenance of billabongs and lagoons along the main river channel. They provide groundwater recharge that supports ground water dependent ecosystems during dry times.

Inland NSW is predicted to have longer and more protracted drought periods due to a changing climate and groundwater sources are becoming increasingly important in ensuring water access for communities along the Namoi during droughts.

It makes no sense to licence floodwaters when it is the past overextraction of these same waters (both regulated and unregulated) that has caused the environmental degradation so evident today in the Namoi. Improved connectivity of all the Namoi water sources is critical in improving connectivity within the whole Barka-Darling system.

Licensing just locks in the continuing degradation caused by extraction of environmental water which is protected under the Murray Darling Basin Plan.

The rules that support these licences eg the 300% carryover, low flow targets inconsistent with the environmental watering requirements of the Namoi, the trading opportunities etc will facilitate large amounts of extraction during a flood time and shift water from where it should be in a healthy natural water system.

These flood waters must be recognised as protected Planned Environmental Water under the Basin Plan and remain in the water system.

Government needs to make genuine commitment to improved environmental, social and cultural outcomes in the Namoi. It has failed Aboriginal communities as well as the important ecosystems of the Namoi for many years in “turning a blind eye” to overextraction in the Namoi.

To licence this overextraction of important floodwaters as proposed is irresponsible and short sighted especially when the catchment continues to experience the impacts of a changing climate.

Namoi Unregulated Floodplain Harvesting - Submission post Gunnedah consultation

[REDACTED]

Fri 24-February-2023 5:37 PM

To: Lands-Water FloodPlain Harvesting Mailbox <floodplain.harvesting@dpi.nsw.gov.au>

Please find attached our form and extra document as our formal submission to the consultation process on the Namoi Unregulated Floodplain Harvesting Water Sources.

Please do not hesitate to contact us if you require further information.

Best regards

[REDACTED]

[REDACTED]

Proposed rules for floodplain harvesting in the Namoi valley

Office use only		Submission number	
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How to fill out this form

The department is seeking stakeholder views on the proposed rules for floodplain harvesting licences to be included in the *Water Sharing Plan for the Namoi and Peel Unregulated River Water Sources 2012* and the *Water Sharing Plan for the Upper and Lower Namoi Regulated River Water Sources 2016*.

The department acknowledges that the importance of raising issues and concerns in relation to proposed rules for floodplain harvesting licences through a transparent public submission process. The department is committed to letting members of the community 'have your say'.

To ensure a balanced and comprehensive approach to consultation, the department is focussed on the scope of issues and concerns raised rather than the number of submissions received. It is important that the reasoning for why a proposed rule is supported or not supported is understood, communicated and responded to.

Before completing this submission, please ensure you have read the Floodplain Harvesting in the Namoi: [Report to assist consultation](#) and viewed the other relevant technical reports and information available on [our website](#).

After reviewing the submissions and other feedback, recommendations will be made to the Minister for Lands and Water.

Send this completed form to floodplain.harvesting@dpie.nsw.gov.au

Note: Submissions close at 11.59 pm Sunday 29 January 2023.

Information on privacy and confidentiality

All submissions received by NSW Department of Planning and Environment will be reviewed and published. The department values your input and accepts that information you provide may be private and personal.

please tick the relevant box below if you would prefer your personal details and identifying information, to be treated as confidential.

If you don't request that your personal details be treated as confidential, the department will include your name and any personal details you provide when publishing your submission.

Please note that, regardless of a request for confidentiality, the department may be required by law to release copies of submissions to third parties in accordance with the *Government Information (Public Access) Act 2009*.

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Personal details

I would like my name and personal details to be treated as confidential.

☐ Yes

☐ No

Name

Postal Address

Telephone

Email address

Submission details

Who are you representing?

Which stakeholder group best describes you?
(Please tick one box)

☐ Community member

☐ Irrigation

☐ First Nations

☐ Environment

☐ Fishing

☐ Local landholder

☐ Local Government/ Utilities

☐ NSW Government

☐ Other State Government
(specify):

☐ Commonwealth

☐ Other (specify):

Have you attended a webinar or other meeting as part of this consultation?

☐ Public webinar

☐ Meeting in Wee Waa

☐ none of these

Proposed rules for floodplain harvesting in the Lower Namoi Regulated River

You may respond to any (or all) of the questions

1 – Do you support the proposed 5-year account management rules?

Yes ☐ No ☐

1.1 – Please provide a reason for your support/opposition.

Reason:

2 – Do you support the proposed initial available water determination of 1 ML per unit share?

Yes ☐ No ☐

2.1 – Please provide a reason for your support/opposition.

Reason:

3 – Do you support the proposed ongoing available water determination of 1 ML per unit share?

Yes ☐ No ☐

3.1 – Please provide a reason for your support/opposition.

Reason:

4 – Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?

Yes ☐ No ☐

4.1 – Please provide a reason for your support/opposition.

Reason:

5 - Do you support the proposed management zones?

Yes ☐ No ☐

5.1 – Please provide a reason for your support/opposition.

Reason:

6 - Do you support the proposed trade rules including no trade between management zones?

Yes ☐ No ☐

6.1 – Please provide a reason for your support/opposition.

Reason:

7 - Do you support the proposed access rule that restricts access when Menindee Lakes is below 195 GL except during periods when there is at least 4,500 ML/day in the Namoi River at the Bugilbone gauge?

Yes ☐ No ☐

7.1 – Please provide a reason for your support/opposition.

Reason:

8 - Do you support the proposed amendment provisions?

Yes ☐ No ☐

8.1 – Please provide a reason for your support/opposition.

Reason:

Proposed rules for floodplain harvesting in the Namoi Unregulated River Water Sources

You may respond to any (or all) of the questions

1 – Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and account limit of 3 ML per unit share at any time?

Yes ☒

No ☐

1.1 – Please provide a reason for your support/opposition.

Reason:

See attached submission

2 – Do you support the proposed initial available water determination of 1 ML per unit share?

Yes ☒

No ☐

2.1 – Please provide a reason for your support/opposition.

Reason:

See attached submission

3. - Do you support the proposed ongoing available water determination of 1 ML per unit share?

Yes ☒

No ☐

3.1 – Please provide a reason for your support/opposition.

Reason:

See attached submission

4 - Do you support the proposed rules for the granting or amending of water supply work approvals to be nominated by a floodplain harvesting access licence?

Yes ☐ No ☒

4.1 – Please provide a reason for your support/opposition.

Reason: See attached submission

5 - Do you support the proposed trade rules including the replication of existing rules for unregulated river access licences?

Yes ☒ No ☐

5.1 – Please provide a reason for your support/opposition.

Reason:

See attached submission

6 - Do you support the proposed amendment provisions?

Yes ☐ No ☒

6.1 – Please provide a reason for your support/opposition.

Reason:

See attached submission

Further feedback

The department is interested in what you have to say. If you want to provide more detailed feedback, please do so in the box below. Any feedback on the technical reports and other documentation will be considered for future planning processes.

Select the subject you wish to provide feedback on:

- ☐ Downstream outcomes report
- ☒ Modelling
- ☐ Predicted environmental outcomes
- ☒ Report to assist community consultation
- ☒ Floodplain harvesting measurement
- ☒ Other information provided by the department
- ☐ Other

See attached submission

Please provide your feedback in the below box or provide a separate document with your comments.

Feedback:

**NAMOI: FLOODPLAIN HARVESTING LICENCES IN UNREGULATED WATER
SOURCES IN THE NAMOI VALLEY – PUBLIC EXHIBITION OF DRAFT RULES
CONSULTATION SUBMISSION**

FROM: [REDACTED]

ADDRESS: [REDACTED]

EMAIL [REDACTED]

MOBILE: [REDACTED]

We attended the consultation meetings in Wee Waa on 13th December 2022 and in Gunnedah on 7th February 2023.

We raised a number of issues regarding our own personal situation and the broader initiatives being implemented for unregulated licence holders. The feedback in the meeting was for us to outline these concerns in a submission so that further consideration can be made by the government.

To date, all of our interactions with the government regarding our concerns has been unsatisfactory. It appears that the issuance of floodplain harvesting licenses within the Upper Namoi Unregulated system has been pushed through without much thought of the consequences across licence holders.

The Upper Namoi Unregulated floodplain licences have NOT been modelled and are treated differently to the Lower Namoi Unregulated floodplain licences. In addition, government has changed the policy on what an unregulated licence is to 'fit' the new floodplain harvesting requirements under the NSW Floodplain Harvesting Policy (2013). Whilst this is and of itself, not unusual, governments need to recognise that this change of policy retrospectively is having significant consequences which need to be addressed.

We have grave concerns that the government is taking a 'push it through' approach for expediency rather than addressing the real implementation concerns of this new floodplain harvesting policy.

This submission highlights a number of main policy gaps, implementation issues and areas of extreme legal uncertainty for licence holders and the community. We urgently request that the government suspends enacting any changes or issuance of licences until a full and comprehensive review has been undertaken to address all concerns highlighted.

Accordingly, we provide this feedback in good faith that finally the government will hear these concerns and take the opportunity to address the inadequacies of implementation that we are raising.

We strongly request that the government ensure consistency, equality of rights and access to the water source while avoiding any unintended consequences which erodes the unregulated licences we have been issued via the volumetric conversion process.

We fully support and subscribe to floodplain harvesting being licensed and measured.

Our submission is requesting government to address

1. the inequities of issuing floodplain harvesting licences in the Upper Namoi Unregulated system;

2. the issues of those who are NOT being issued a floodplain harvesting license and must deduct any overland flow from the unregulated licence;
3. the issue that the current Namoi Unregulated water sharing plan and actual licence conditions do NOT allow unregulated licences to take 'overland flow' under any circumstances;
4. the potential overallocation that will need to be clawed back in the future due to the current floodplain harvesting licence calculation methods;
5. the measurement requirements for floodplain harvest take and ensure that floodplain harvest license and unregulated licence overland flow take can use the same measurement infrastructure at storage;
6. the differences in proposed water account management rules between floodplain harvest licences and unregulated licences when they are both accessing the same resource; and
7. Proposed amendment provisions to the Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012 are ill defined, extremely broad and require further review and consultation when the actual details of the changes are defined.

At the consultation meetings Dan Connor, Director Floodplain Management, outlined that we should consider unregulated access and floodplain harvest access as 'two straws – one resource'. We do not believe that the calculations used for the draft floodplain harvest licences, the proposed rules and measurement requirements actually implement's this principal fairly and equitably. We would like this to be addressed.

1. Overland flow and floodplain harvesting – Inequities of draft floodplain harvest licences to be issued

When the volumetric conversions of unregulated licences occurred for the period 1993-1999 – the Water Management Act 1912 DID NOT consider overland flow, it only considered the ability to take water from the river directly and irrigate the area of land attached to the licence.

Now the government, is retrospectively, stating that the unregulated licence granted back in the volumetric conversion process INCLUDES overland flow. Any take that occurs in an overland flow event is to be deducted from the Upper Namoi unregulated licence.

This treatment of Upper Namoi unregulated licence holders should be acknowledged by the government as iniquitous and reduces the ability for the unregulated licence holder to access unregulated river take.

The statement in the document "Namoi; Floodplain harvesting in water sharing plans" (hand out at the consultation meeting)

Pg12 – Determining floodplain harvesting (unregulated river) access licences

In unregulated river water sources (other than the Barwon-Darling), most floodplain harvesting is already catered for within existing unregulated river access licence share components. This is because when licences in unregulated rivers were converted from the Water Act 1912 to the Water Management Act 2000, the volumetric conversion process effectively considered all forms of water take including that from the floodplain.

This statement is incorrect as the volumetric conversion process and documentation NEVER considered overland flow and should be acknowledged and corrected. This is clearly shown in our

licence conditions for unregulated licence water take which specifically excludes the take of overland flow.

The inequity of treatment of the Upper Namoi Unregulated licence holder occurs because

- Lower Namoi unregulated licence holders have their eligible farm infrastructure modelled to assess what floodplain harvesting, including overland flow, is possible and a floodplain harvesting licence is issued.
- Upper Namoi unregulated licence holders have no eligible farm infrastructure modelled and are subjected to the outdated volumetric conversion process that DID NOT consider overland flow in the original calculation.

This inequity has created unintended consequences where some Upper Namoi Unregulated licence holders are not being issued a floodplain harvest licence for the overland flow water that will be inadvertently captured by their eligible infrastructure.

We request that this inequitable treatment be rectified and proper modelling assessments be made on the eligible infrastructure to calculate the overland flow that will be captured and a floodplain harvest licence issued.

2. Namoi and Peel Unregulated Licence Conditions and Water Sharing Plan – Unregulated Access Licences – Specifically Exclude Access to ‘Overland Flow’

Our unregulated licence and nominated water supply works have been issued updated ‘Statement of Conditions’ as at Wednesday 10 November 2021 under the Water Management Act 2000. There is a list of conditions for ‘Take of Water’, ‘Monitoring and Recording’ and ‘Reporting’. These are legal requirements we must follow when taking any unregulated water.

These conditions allow for take from the river source when flows are in the very low flow class, an off-river pool, an in-river pool, runoff harvesting dam or an in-river dam pool. The Conditions also include the definitions of these types of events in the glossary.

The issue arises that none of these events include overland flow however the government requires overland flow to be recorded and measured and deducted from the Upper Namoi Unregulated license when the licence clearly states that this is NOT allowed under the conditions of the licence.

What is overland flow – as per the statement in the document “Namoi; Floodplain harvesting in water sharing plans” (hand out at the consultation meeting),

Pg 15 “Floodplain harvesting will provide clarity for the lawful taking of water from a floodplain. This includes rainfall runoff and overbank flow. Collectively, this is termed ‘overland flow’ and is defined under section 4A of the Water Management Act 2000.

A mandatory condition will be included in all water sharing plans where floodplain harvesting access licences are issued that will restrict the take of water under these licences to overland flow. Diverting water from rivers or creeks under a floodplain harvesting licence will not be permitted”

How can we comply with the floodplain harvesting policy when we are not being issued a floodplain harvest licence and our unregulated licence specifically excludes us from accessing overland flow?

We need this to be addressed as a matter of urgency as our farm cannot control overland flow that enters our irrigation infrastructure as ‘overbank flow’.

All of our infrastructure is designed as over topping banks so in a flooding event, the water can flow on and off the property as quickly as possible to prevent harm to our irrigation infrastructure and prevent prolonged water logging from a flood event. Inevitably though, some overland flow water remains either within the tail water return system or is 'shandied' with on-farm water and returned back to the farm storage, if it is not already full.

Possible solutions are to exempt us from recording this overland flow as floodplain harvesting; and/or properly assess our eligible infrastructure for floodplain harvesting and issue a floodplain harvesting licence to account for this overland flow that was never included in the volumetric conversion process.

3. Floodplain Harvesting Licence Share Components to be issued for Namoi River Unregulated River Sources – Government is Knowingly Overallocating the Floodplain Harvesting Water Resource

The statement in the document "Namoi; Floodplain harvesting in water sharing plans" (hand out at the consultation meeting) outlines the draft share components for the floodplain harvesting licences and says '*we will refine this estimate as the consultation process for property-specific entitlement determinations is finalised*' (pg15).

Can you please explain

- 1) why the government is **knowingly over allocating at a significant level (81%)**, the draft floodplain harvesting licences within the Namoi River Unregulated Rivers Sources;
- 2) how can the government ensure that future growth is not going to occur that raises the modelled or estimated long-term average usage stated (for 1895-2009); and
- 3) will this overallocation increase the potential for future cutbacks to licence holders in either available water determinations or allocation of floodplain harvest licences and unregulated access licences?

The numbers highlighting the risk for over allocation is stated in the document "Namoi; Floodplain harvesting in water sharing plans" (hand out at the consultation meeting) and shown below.

A summary of the share components (pg15)

	Lower Namoi Regulated River Source	Namoi River Unregulated Rivers Sources
Total share components for floodplain harvesting access licences - estimated	54,750 unit shares	85,070 unit shares
Long -term average usage (modelled)	46,000ML/year	
Long -term average usage (same rate of long-term usage as the unregulated river licences in the Namoi Valley)		47,130ML/year
If 1ML/unit share – level of possible overallocation	19%	81%

The summary of the diversion components (1895 – 2009) against the water sharing plan limits (Pg34) are listed below

	Plan Limit	Current Conditions	Plan Limit Compliance
Long term average diversions (1895-2009) Floodplain Harvesting (excludes exempt rainfall runoff)	46.5	51.3	46.0
Level of possible overallocation to plan limit compliance		11.5%	

Pg 34 - The results showwith the tailwater exemption in place, floodplain harvesting has increased by 4.8 GL/year (10%) above that for the Plan Limit Scenario.

It is incredibly important that governments learn from our past and do not over allocate the floodplain harvest licences.

Licence holders in the Namoi valley went through untold pain and structural adjustment when the significantly overallocated groundwater licences were taken back by government in 2006. The level of dislocation, disruption and economic impact on a social, environmental and economic level to the Namoi Valley was extremely high.

We do not want the issuance of the floodplain harvest licences to repeat this mistake.

Given the principal of ‘two straws – one resource’ there is a high risk that unregulated access licences will also be impacted in the case of any allocation clawback. Given how long these licences have been used as part of current business models and relied upon, this will have a significant impact to the community and licence holders.

We all learnt the ‘hard way’ that it is impossible to unwind any overallocation without massive dislocation, division and disruption. Even if on-market buy backs are utilised, the community will be impacted and governments will have to fund it.

Current practice of State government is to not buyback licenses but to alter available water determinations (AWD’S). This is useful when alterations to AWD is a temporary measure to bring usage levels back within limits, however it is ***NOT an equitable or appropriate measure for permanent reductions to usage levels.***

Governments must not knowingly allocate floodplain harvest licenses with this approach as a backup plan to reduce usage in the future.

Issuing a floodplain harvest license creates a right of use that licence holders will rely on and utilise in their business models. It is reckless for governments to ignore the impacts future changes to water use will have to local communities, businesses and the social fabric of regional Australia. It is even more reckless for governments to do so when it was acknowledged at the consultation meeting in Gunnedah that future cutbacks to unregulated allocations in the Namoi Valley are highly likely due to expected growth from floodplain harvesting licences.

We must avoid knowingly overallocating licenses at all costs.

The simple solution is to not over allocate licences in the first place.

- Government must review their assumption on the number of floodplain licenses that will not be developed (the growth risk) to no higher than 20%; and
- provide a cutback upfront to all floodplain licenses prior to them being issued to bring them in-line with estimated usage.

The share components should not be greater than 20-30% of the estimated long term average use.

Currently, the Lower Namoi regulated share components for floodplain harvesting are within this buffer. The Namoi unregulated share components are 81% higher and should be adjusted down closer to the estimated long-term usage prior to issuance.

4. Measurement requirements for floodplain harvest take when NO floodplain harvest license is being issued

At the consultation meeting presentation Alistair McKenzie-McHarg, Water Planning Implementation outlined the ways floodplain harvesting water take can be measured. In the Namoi there are 447 storages which is 39% of all storages across the northern valleys.

Below is our feedback in relation to the metering provisions.

a) Unrealistic timeframe to install the meters

Given the current issues with the installation of AS 4747 approved meters, their limited availability and the backlog of Department Qualified Persons (DQP), it is extremely unrealistic for licence holders to be able to meet the 12-month deadline to install 'primary metering equipment', be inspected and certified.

We strongly urge the government to reconsider the realities of what they are asking licence holders and certifiers to do and extend the deadline. Any water harvesting take can be measured by the 'secondary metering equipment' such as a gauge board in the interim until the market realities of installing meters can be overcome.

These installation issues for the appropriate metering are a real-world issue and the unrealistic timeframe needs to be addressed.

b) Cost of meters is extremely high and only farms with a floodplain harvest licence can measure at the storage

Depending on the farm infrastructure that is accessing floodplain harvesting water, one farm could be required to have multiple measuring devices. This problem is exacerbated if the farm works are not being issued a floodplain harvesting licence and the 'point of intake' method is required.

In the example of our farm, we have an unregulated licence which stores water in our on-farm storage. Our entire irrigation system and tail water return system is designed to return all tail water back to the storage. In a flooding event, any overland flow take enters this tail water return drain system and is either returned back to the floodplain or river (in a major flood event) or the storage.

As outlined previously, the draft floodplain harvesting licences in the Namoi unregulated water source relies on the volumetric conversion process for eligibility of on-farm infrastructure being

issued a floodplain harvesting licence. Despite having eligible infrastructure within the volumetric conversion period, our farm is NOT being issued a floodplain harvest licence. This ignores our on-farm infrastructure inadvertently being able to capture overland flow in the tailwater return system.

This means that our on-farm storage meter and gauge is NOT allowed to be used to measure any floodplain harvest take such as overland flow.

This is ludicrous and must be addressed.

As outlined before, our farm has overtopping bank infrastructure and there are multiple areas on our farm where the overland flow will enter our below ground tail water return drain system. According to the floodplain harvesting policy, this tail water return drain is the 'point of take' that must be metered in multiple places.

This inadvertent take of overland flow into our main tail water return system could require up to 9 different measuring devices with a conservative cost estimate of > \$250,000 to install.

Not only is this requirement onerous, the ongoing maintenance and recording of these multiple devices will be exorbitant. Many of the measurement devices are battery powered and we are finding that in the hot Australian weather, these batteries are failing regularly and need to be replaced at a high cost with the DQP needing to re-inspect and certify the meter each time.

This clearly is an unworkable situation.

The solution is to either allow the floodplain harvest take in the tail water return drain to be measured at the storage against a floodplain harvest licence or exempt 'overland flow' for situations such as ours into the tail water return drain. Given we cannot control this overland flow into our irrigation infrastructure 'point of take', the issuance of the floodplain harvest licence should be based on the eligible on-farm infrastructure during 1993-1999 that is inadvertently capturing the overland flow.

- c) Acknowledgement of 'two straws and one resource' for floodplain harvesting licence and unregulated licence and use the same measurement methods for both.

We know the cost of meters, their maintenance, inspection and regulation are extremely high. We agree that it is absolutely imperative that all water take is accurately measured. However, we ask for some common sense in the way measurement is implemented.

Where it is appropriate, the unregulated water storage should be utilised if the landholder has a closed system design that returns all water back to the storage. This simplifies the need for multiple measurement devices and allows the storage measurement device to be used for both unregulated and floodplain harvesting water take.

- d) How to measure the floodplain harvest take when overland flow enters your property or mixes with water on the property, you have no floodplain harvest licence and no control on the water entering your system

By definition, overland flow includes rainfall runoff and overbank flow. Extreme complexities, confusion and anxiety occurs when no floodplain harvest licence is being issued and the unregulated licence explicitly excludes the take of overland flow.

The other issue is the complexity of how to measure this uncontrolled event when it mixes with the tail water return drain that is a mixture of rainfall run-off, irrigation tail water and overland flow. Unfortunately, each type of water does not have different colours so it can be easily identified, separated out and measured at the storage or within the tail water return drain according to its type ie unregulated, runoff or overland flow.

Guidance on how to deal with this extremely complicated situation in a common-sense manner that is in writing and provides legal certainty needs to be provided.

5. Water Management Account rules

It is difficult to understand the real impacts of water management account rules in the Namoi Unregulated River Water source as only scarce information is provided on the volume and location of licences proposed to be issued.

Pg 29 of “Namoi; Floodplain harvesting in water sharing plans” (hand out at the consultation meeting) states that approximately 53 floodplain harvesting (unregulated river) access licences will be issued across the Namoi Unregulated systems. However, the quantum and number of licences by water source is not provided.

This is important as it will provide an indication of the ability of those licences to be used (based on the eligible infrastructure of 1993-1999 that was used to issue them). Why is this information not part of the consultation process?

Despite this, some feedback on the proposed rules are below

1. Account Management

Pg 30 “Namoi; Floodplain harvesting in water sharing plans” (hand out at the consultation meeting) - *It is proposed to apply the same take limit to floodplain harvesting (unregulated river) access licences. However, it is not proposed to apply the carryover limit. Instead, an account limit of 3ML per unit share is proposed. This would allow the accounting framework to align with the frequency of access to flood flows.*

When we consider the principal of unregulated and floodplain water as ‘two straws one resource’, it seems inappropriate to create a difference in the account management rules between the ‘unregulated licence’ account and the ‘floodplain licence’ account. This will become highly problematic for those that will not be issued a floodplain licence and have to account for overland flow from their unregulated licence account.

It is preferred that both are treated the same and that no difference applies. Unregulated water is totally dependent on the weather cycle as to whether flows can be accessed and at times no flows can be accessed for more than a year. This is similar to flooding events, they are also totally dependent on the weather cycle and are unpredictable and years can go by without an event occurring.

The principal applied [in pg30 “Namoi; Floodplain harvesting in water sharing plans” (hand out at the consultation meeting)] – *“This would allow the accounting framework to align with the frequency of access to flood flows.”* – should be applied equally.

The unregulated water sharing plan for the Upper Namoi Mooki Water Source used to allow for the carry over of water up to 2ML per unit share with an account limit of 3ML per unit share at any point in time. This was arbitrarily changed when the macro water sharing plan was introduced without any explanation as to why.

Currently the Namoi unregulated water sharing plan water account management rules carryover limit is 1ML – this is different to the proposed 3ML per unit share at any time proposed for the floodplain licence. It does not make sense that they differ if they are the ‘one resource’.

Solution: Align unregulated licence account management rules with floodplain harvesting (unregulated river) access licences in the Namoi Unregulated River Water Source so that BOTH unregulated and floodplain licences have

- Take limit: 3ML per unit share over 3 consecutive years
- Account limit: 3ML per unit share at any time.

6. Available Water Determinations

The two proposed rules for floodplain harvesting (unregulated river) are reasonable and we propose no changes to these proposed rules.

We do however, wish to emphasise that AWD’s are a blunt instrument for use in an unregulated system and should not be used to manage permanent volume reductions in licence allocations to reduce water usage or control an initial over allocation by government.

An unregulated and floodplain system is essentially ‘self-regulating’ on the amount of water take that can occur (see reasons why below). Therefore, it is the total amount of share components in a licence that needs to be correct to avoid the system being overallocated. This is why the government needs to ensure that the floodplain licences being issued do NOT over allocate the resource in the first instance.

Unregulated water and floodplain harvesting water differs to the regulated system because:

- water take events occur quickly with a short window where water take can occur. This fact physically limits how much water can be taken within that time frame due to infrastructure size and pump size.
- unregulated and floodplain events are unpredictable and can be extremely infrequent – some systems don’t have events where water take can occur for years. In addition, some events are so quick that there is very limited time that water take can occur with many licence holders missing the opportunity to access any water;
- the infrastructure to ‘store’ unregulated and floodplain events are owned by the landholder and the landholder wears all the transmission and evaporation losses that occurs between the time they store the water and the time they use the water.

The practice of adjusting AWD on an annual basis are ineffective in regulating how much water can be taken as it is the weather cycle that will determine if water take can occur. The water account management rules are more effective in limiting the water take via the account limit rules.

We do not believe that permanent reductions to AWD’s is a pathway for future cutbacks flagged by the government. The best practice is to not over allocate the share components in a licence (and therefore the account limits) in the first place.

In addition, water license fees are calculated on the total share components of the licence. If AWD's are used every year to give < 100% AWD's for water take, then that licence holder is paying fees on water he is never able to access which is inequitable and unethical.

7. Proposed Amendment Provisions to the Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012

The section in the document "Namoi; Floodplain harvesting in water sharing plans" (hand out at the consultation meeting) Pg 33 outlines the proposed amendment provision to Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012.

This section is extremely broad and ill defined. It is almost impossible to provide feedback as the provisions essentially allow access rules to be introduced but does not provide the detail. It also states that trade rules could be amended at anytime but there is no detail on what those amendments are.

This does NOT provide certainty for the licence holder nor stakeholders and is insufficient consultation.

When the review and proposed changes to be made are finalised, the proper consultation and details should be shared. It should also be noted that this plan is up for its 10-year review in 2024, surely, we can streamline the process and allow for these proposed amendments to be included as part of this review.