

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.

Namoi Floodplain Harvesting allocation and rules

[REDACTED]

>

Fri 20-January-2023 7:39 PM

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

Dear Madam/Sir,

I object to the proposed new allocations for floodplain harvesting from the Namoi River, as this would divert culturally and ecologically necessary water towards culturally and ecologically unnecessary cotton production.

To be allowing just the bare minimum quantity of water for cultural and ecologically important functions would be bad enough. To be allocating less than the minimal amounts can only be judged as a corruption of process.

It is requested that the decision-makers play their part in restoring the allocations from the Namoi River to shares that are ecologically and culturally equitable.

Yours sincerely,

[REDACTED]

Namoi Floodplain Harvesting allocation and rules

Sun 22-January-2023 3:58 PM

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

Thank you for the opportunity to comment on the draft floodplain harvest rules associated with regulated river water sources in the Namoi Valley.

I am highly aware of the issues facing the farming industry in the Namoi valley region, along the Darling, and around Lakes Alexandrina and Albert in South Australia. My family farm in the Namoi Valley, since five generations, and my [REDACTED] and I currently farm at [REDACTED]

[REDACTED] I think we have made huge progress in sustainable agriculture in things like genetically engineered dryland cotton, but having seen the impact of overallocation upstream on the dairy, fishing and tourism industries around the Lakes and Coorong during what's commonly called the 'millennium drought', following the irrefutable science of climate change and observing the evidence of climate change for the last thirty years, I think we have to bite the bullet and enact the Murray Darling Basin Plan in full, as quickly as possible while there is water around and stored for the next couple of years.

We cannot keep farming unsustainably.

The Namoi is a key river in the Murray Darling Basin. 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.

I endorse the following points as comment on the draft floodplain harvest rules

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 million 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. I strongly object to 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.

7. I strongly object to 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.
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 strongly object to the proposed rule to allow floodplain water extraction in the Namoi until Menindee Lakes reach a critically low level of 195,000 ML (195 GL - gigalitre= 1 billion litres). This trigger should be at least 450 GL.
10. I strongly 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. I strongly object to any trade of floodplain harvesting licenses.
12. I strongly object to any new works being constructed on floodplains for the purpose of diverting flow paths, while realising how difficult this is to monitor!
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.

Kind regards

[REDACTED]

[REDACTED]

NSW Government's floodplain harvesting targets prioritise irrigation extraction over needs for communities and river health

20/06/22

The NSW Government recently announced [flow targets](#) to protect first flush and critical low flows from being extracted by floodplain irrigators. However, the targets the NSW Government has proposed are set so low that they will never meaningfully restrict floodplain harvesting and will fail to ensure that water for river health and community needs are prioritised above irrigation, a requirement of the *NSW Water Management Act 2000*.

Flow targets have been established to protect higher priority water needs in parts of NSW for decades. Some Water Sharing Plans use flow targets to protect baseflows from extraction while the resumption of flow rule, and Interim Unregulated Flow Management Plan for the North-West (Barwon-Darling) use flow targets to protect flows on an event-by-event basis.

Flow targets in the context of floodplain harvesting are a set of triggers at specified gauges which represent the river flow rates needed to meet environmental and community needs during unregulated flow events. These triggers turn on and off, restricting and allowing extraction depending on whether the higher priority needs have been satisfied. Floodplain extraction is permitted once it is known that the flow targets will be met. The targets are not flow volumes that must be delivered from public dams or through river management, they are the flow conditions which trigger access to unregulated flows. In this way, floodplain harvesting targets protect a portion of flushing flows needed to sustain river health and downstream communities while allowing floodplain extraction when higher priority needs have been met.

Establishing flow targets for floodplain harvesting is essential for ensuring that environmental and downstream needs are met before irrigation extraction can occur.

However, the proposed targets do not set aside a portion of flushing flows needed to sustain river health and community needs; flows which would have otherwise occurred in the absence of floodplain harvesting. These flows include:

- Bankfull and overbank: higher flows that are needed to prevent the drying out of floodplain environments to maintain and rejuvenate Ramsar wetlands, support Aboriginal cultural values, sustain flow-dependent ecosystems and reduce toxic blackwater events;
- Small and large freshes: pulses of medium-sized in-channel flows that are needed to replenish and connect waterholes and weir pools, provide spawning cues for native fish, and reduce risks of blue-green algal blooms; or
- Baseflows: low in-channel flows essential for ensuring the rivers can flow, safeguarding against mass fish deaths and providing safe and clean drinking water for downstream communities.

Without improvement of the proposed flow targets, the floodplain harvesting policy:

- fails to achieve the objectives of the *Water Management Act 2000* to protect water resources and their dependent ecosystems;
- does not comply with the *Water Management Act 2000* 'priority of use' requirements;
- leaves held and planned environmental water vulnerable to extraction;

- allows floodplain irrigators to extract water while communities downstream might not have access to clean drinking water or water to bathe in;
- further disenfranchises Aboriginal people's access to water;
- will continue to threaten a broad range of species and ecological communities; and
- continued alteration of natural flow regimes and alienation of floodplains and wetlands from rivers will directly result in new listings of threatened ecological communities and species under the *Biodiversity Conservation Act 2016*.

NSW Government needs to improve flow targets to provide public confidence that irrigation can occur without compromising the essential water needs of the river and its communities.

Specific issues

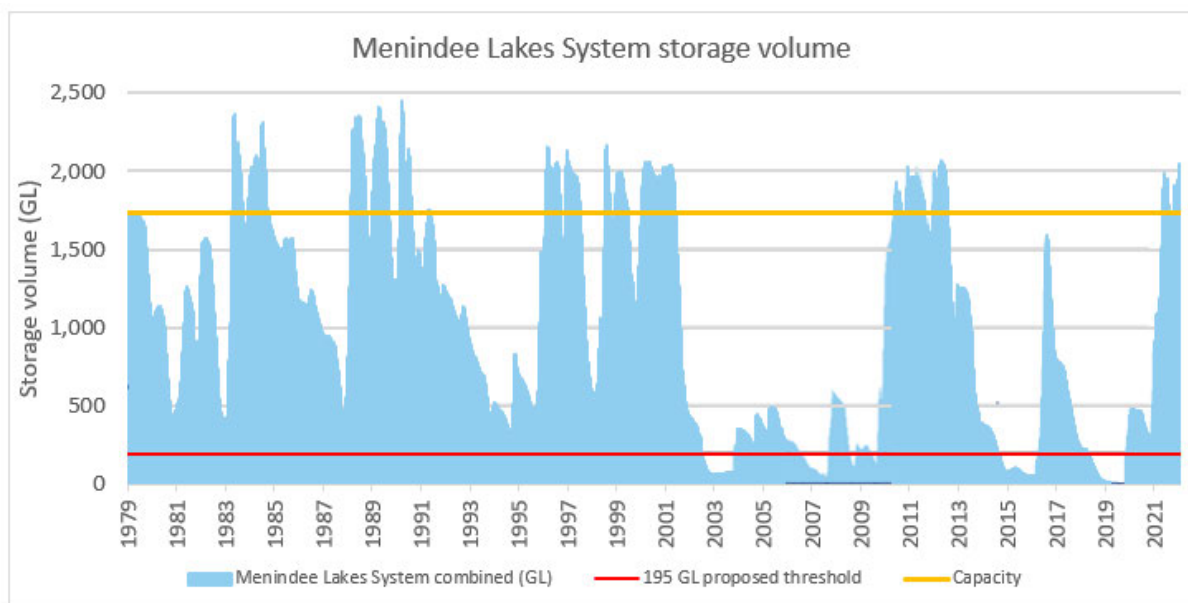
The proposed targets restrict take only if the volume of water in the Menindee Lakes system falls below a certain threshold (the 'restriction condition'). This restriction on take will cease if any of the low level flow targets proposed for individual rivers by the NSW Government are met (the 'allowing conditions').

Issue 1: There is only one condition that restricts floodplain harvesting, this condition is only triggered in very dry conditions and will not protect higher priority local needs at any other time.

Floodplain harvesting would only be restricted if the volume of water held in the Menindee Lakes System falls below 195 GL (red line in figure below).

Over the past 43 years the volume of Menindee Lakes has only been recorded below 195 GL six times, always during extreme droughts. Between 1979 and 2002 the Menindee Lakes never fell below this level. After 2002, the volume stored in Menindee Lakes regularly fell below 195 GL, largely due to over-extraction upstream and changes in lake management practices.

As a consequence, the proposed restriction condition would be rarely triggered and will be ineffective in protecting higher priority local needs in most years.



Adapted from [Draft regional water strategy: Western – Critical dry condition triggers](#) 2022.

Even when valley-wide restrictions on floodplain harvesting have been triggered by Menindee falling below 195 GL, the restriction within a valley ceases if a small flow triggers the very low 'allowing condition' in each valley (discussed further in issue 3). This is the case even in extreme or prolonged drought events. The consequence is that floodplain harvesting would be permitted upstream when there is insufficient water supply for the Lower Darling environment and communities from the Menindee Lakes.

The proposed approach contains only one restricting trigger but many allowing triggers. This approach is less effective than the existing resumption of flow rule in the Barwon-Darling which contains restricting and allowing triggers at multiple locations within the valley. Local restriction triggers are needed so that local conditions determine if local high-priority environmental and community needs must be met before floodplain harvesting is allowed.

Issue 2: The 195 GL target at Menindee Lakes is inadequate to meet the water needs of the Lower Darling.

The volumetric target at Menindee represents critically low storage conditions and, after taking into account up to 125 GL of inaccessible 'dead' storage in the Menindee Lakes System, the target results in less than 12 months-worth of emergency supply, with no allocation for lower Darling communities.

It is not clear if the 195 GL target has appropriately considered total inaccessible storage, transmission losses through the system, increased evaporation during drought periods when this target is activated, or the additional volumes of water needed to restart the Lower Darling River once it has ceased flowing.

The proposed volume is almost 2.5 times less than the 480 GL of water available in the Menindee Lakes just 12 months before the mass fish kills occurred in the summer of 2018-19. It is only by improving lake management and protecting at least two summers supply (i.e., 18 months) that a repeat of the massive fish kills could be avoided during the next dry period.

Issue 3: Local targets are inadequate to meet local higher-priority water needs.

As discussed above, even when valley-wide restrictions on floodplain harvesting have been triggered by Menindee falling below 195 GL, the restriction within a valley ceases if a small flow triggers the very low 'allowing condition' in each valley.

Currently, the proposed targets are specified as a total volume and lack any duration. Accordingly, they are almost meaningless and assumptions must be made to understand the potential impact of the targets. It is not clear how these flow targets were determined or if they were based on established science. Table 1 shows that the targets at most sites are so low that at best they protect a small fresh and at worst they fail even to protect a baseflow. Any higher priority water needs that require flows above these rates including large freshes, bankfull or overbank flows, or for longer durations, will not be protected by the proposed targets.

Additionally, even when assuming the targets are met within 5 days, the resulting flows are generally much lower than the measured average flow for each site over the historical record. Finally, these targets are substantially lower than the Barwon-Darling resumption of flow targets and the [targets proposed by the Department](#) to the Connectivity Stakeholder Reference Group.

Table 1. Comparison of local flow targets with measured average flows and science-based flow requirements.

Location	Local flow targets proposed by NSW Government ¹ (ML/d)			Measured average flow ² (ML/d)	Flows required for environmental outcomes ³ (ML/d)				
	assuming 30 days	assuming 10 days	assuming 5 days		Baseflow	Small Fresh	Large Fresh	Bank full	Overbank
Barwon River at Mungindi	100	300	600	1,500	160	540	3,000	7,900	10,000
Carole Creek near Garah	23	70	140	200	70	200	900		2,000
Gingham Channel Teralba	33	100	200	225	50	250	1,000		
Gwydir d/s Tyreel Offtake	33	100	200	200	50	250	800	3,500	
Mehi near Collarenebri	13	40	80	275	40	90	800		
Namoi River at Walgett	10	30	60	1,800	30	200	2,250	8,500	10,600
Warren weir	167	500	1,000	1,850	200	450	4,000		12,000
Wilcannia	133	400	800	5,700	350	1,400	14,000	25,000	30,000

¹[NSW Government's rules for floodplain harvesting licences to protect first flush flows](#) assuming specified durations,

²calculated using daily timeseries from [NSW water monitoring network](#), and ³environmental flow requirements specified in [NSW Long-Term Watering Plans](#).

The proposed flow targets represent only low flows. Flow targets must be implemented that protect a range of essential flows (e.g., flows to protect drying floodplains, water for fish passage and wildlife refuges, flow-dependent communities and cultural values) during moderate to wetter years.

Recommended improvements to flow targets

For flow targets to be effective they must protect high-priority flow requirements for within-valley and downstream environmental and community needs. This includes legislative responsibilities for key wetland sites, such as Ramsar sites, threatened species and communities and water needs for communities, such as those along the Darling as well as First Nations peoples.

Flow targets should be underpinned by best available scientific information. We recommend those set out by the NSW Government as environmental water requirements in Long-term Watering Plans. At least one target should be specified for each valley, across all flow thresholds, not just baseflows after extended drought. A portion of all flow regimes from baseflows up to bankfull and overbank flows need to be protected from extraction in each valley to ensure connectivity of flushing flows represented by these higher flow regimes.

Finally, all local flow targets must act as both a restricting and permitting condition in conjunction with the Menindee Lakes target. This ensures local conditions are used to determine the trigger at which floodplain extraction can commence and that local high priority water needs are first met. The restricting conditions should be based on whether each flow regime has occurred in a pre-defined period of time which should be set based on best available scientific information (Table 2). Further, these targets need to have a specified period for review and adjustment of policy to ensure management outcomes are being achieved, given the current poor information base and the need for improved scientific information.

Table 2: Example showing how flow targets can be applied in the context of floodplain harvesting.
Floodplain harvesting access is dependent on whether flow target conditions have been achieved. If flow targets have not been met within the required timeframe, floodplain harvesting is restricted (orange, red) until the target is achieved. When a target is met (green), floodplain harvesting is permitted.

Flow outcome	Flow component	Example flow target (based on best available science of water requirements)	Flow target achievement (based on observed data)
Native fish species	Baseflow	160 ML/d for 220 days, 100% of years at X gauge	Achieved – FPH permitted
	Small fresh	540 ML/d for 10 days, 100% of years at X gauge	At risk of not being achieved – FPH not permitted
	Large fresh	3,000 ML/d for 15 days, 75% of years at X gauge	Not achieved – FPH not permitted
	Bankfull	7,900 ML/d for 5 days, 50% of years at X gauge	Not achieved – FPH not permitted
	Overbank	13,000 ML/d for 5 days, 20% of years at X gauge	Not achieved – FPH not permitted
Waterbird species	Low flow	20 ML/d for 350 days, 100% of years at Y gauge	Achieved – FPH permitted
	Bankfull	40,000 ML/d for 5 days, 25% of years at Y gauge	At risk of not being achieved – FPH not permitted
	Overbank	60,000 ML/d for 1 day, 25% of years at Y gauge	Not achieved – FPH not permitted
Reed, swamps, grasses, and other aquatic plants	Baseflow	200 ML/d for 271 days, 100% of years at Z gauge	Achieved – FPH permitted
	Large fresh	4,000 ML/d for 14 days, 75% of years at Z gauge	Not achieved – FPH not permitted
	Bankfull	12,000 ML/d for 3 days, 50% of years at Z gauge	At risk of not being achieved – FPH not permitted
	Overbank	18,000 ML/d for 3 days, 50% of years at Z gauge	Not achieved – FPH not permitted
River red gum forests	Bankfull	8,500 ML/d for 5 days, 40% of years at W gauge	At risk of not being achieved – FPH not permitted
	Overbank	10,600 ML/d for 10 days, 30% of years at W gauge	Not achieved – FPH not permitted
Coolabah and Blackbox forests	Overbank	21,750 ML/d for 3 days, 50% of years at V gauge	Not achieved – FPH not permitted

recommended floodplain harvesting flow targets in NSW

Priority of use principles

The *Water Management Act 2000* specifies that the sharing of water must “protect the water source and its dependent ecosystems” as well as basic landholder rights (sections 5(3) and 9(1)).

These so-called “priority of use principles” do not only apply to critical and low flows but also to larger flows which are required to sustain the environment. For example, many important ecosystems are on floodplains and require regular overbank flows to protect them.

Floodplain harvesting is an opportunistic take of water which should only occur when there is a surplus. It is amongst the lowest priority forms of take and should only be taken when downstream water needs, including those of communities and the environment, are satisfied.

Environmental Watering Requirements

The Basin Plan required the NSW government to identify the volumes of water needed to sustain water sources and their dependent ecosystems across all NSW Murray-Darling Basin rivers.

These environmental watering requirements cover all types of flows, from cease-to-flow to overbank flows (see Figure 1). They are defined as a flow rate (in ML/day) over a duration of time (days) with an achievement frequency i.e., must occur in x % of years to achieve environmental outcomes.

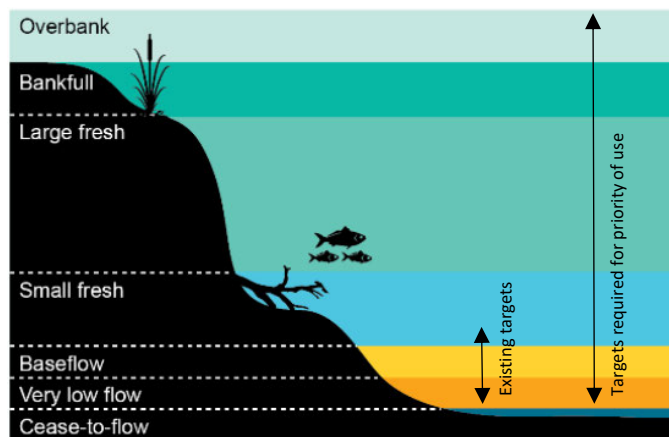


Figure 1: Types of flow regimes

Environmental watering requirements were developed by NSW government scientists based on “best available information from water managers, ecologists, scientific publications and analysis of gauged and modelled flows” to “be within the range of natural flow variability and seasonality” (Basin Plan 8.51(1)(d)).

Existing flow targets

Existing flow targets (i.e., resumption of flow rules, water sharing plan s324 orders, interim-unregulated flow management plan for the North-West, and the connectivity panel reference group) all relate to protecting only very low flow and baseflow and only after extended drought.

Recommendations for implementing floodplain harvesting flow targets

Environmental watering requirements should form the targets which determine if extraction will impact a water source and its dependent ecosystems. Where environmental water requirement achievement is below what is required, floodplain harvesting restrictions should be in place, as required by priority of use principles, to ensure environmental and community outcomes are protected.

All flow targets need to be embedded in each valley's water sharing plans as mandatory targets in the same manner as the resumption of flow rules.

Restrictions on take must be in place even if the flow will not “meaningfully contribute” to achieving the target. This protects wetting-up processes that create antecedent conditions which allow subsequent flows to achieve the environmental and community outcomes associated with the target.

Protections of any foregone water must be in place so that flow regimes are not extracted downstream.

Figure 2 shows the locations of recommended flow target sites and Table 1 lists environmental watering requirements for each site as well as the recommended flow targets for floodplain harvesting in NSW.

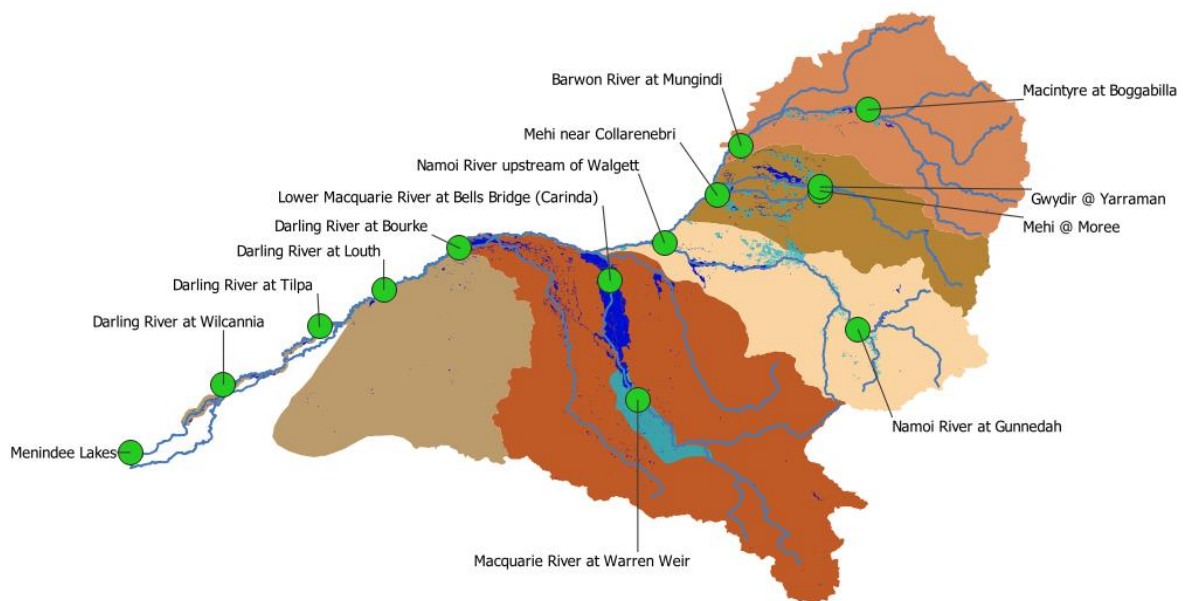


Figure 2: Map of the northern NSW floodplain valleys showing recommended floodplain harvesting target locations. Light blue areas represent major irrigation zones and dark blue areas represent NSW wetlands.

Table 1: Environmental watering requirements developed by the NSW government representing key flows, recommended floodplain harvesting flow targets are **bolded**.

	Location	Flow Type	Must occur in % of years	Environmental Watering Requirement
Barwon-Darling	Darling at Wilcannia	Very Low Flow	100%	30 ML/d for 340 days
		Baseflow	100%	350 ML/d for 290 days
		Small Fresh	100%	1,400 ML/d for 10-14 days
		Large Fresh	75%	14,000 ML/d for 15 days
		Bankfull	50%	25,000 ML/d for 15 days
		Overbank	30%	30,000 ML/d for 15 days
		Overbank	10%	43,000 ML/d for 15 days
	Barwon River at Mungindi	Very Low Flow	100%	45 ML/d for 310 days
		Baseflow	100%	160 ML/d for 220 days
		Small Fresh	100%	540 ML/d for 10 days
		Large Fresh	75%	3,000 ML/d for 15 days
		Bankfull	50%	7,900 ML/d for 5 days
		Overbank	30%	10,000 ML/d for 5 days
		Overbank	20%	13,000 ML/d for 5 days
		Overbank	10%	19,000 ML/d for 5 days
	Darling River at Bourke	Very Low Flow	100%	105 ML/d for 325 days
		Baseflow	100%	500 ML/d for 275 days
		Small Fresh	100%	1,550 ML/d for 10 days
		Large Fresh	75%	15,000 ML/d for 15 days
		Bankfull	50%	30,000 ML/d for 15 days
		Overbank	30%	50,000 ML/d for 15 days
		Overbank	20%	62,000 ML/d for 15 days
	Darling River at Louth	Overbank	10%	129,000 ML/d for 15 days
		Very Low Flow	100%	70 ML/d for 330 days
		Baseflow	100%	450 ML/d for 280 days
		Small Fresh	100%	1,500 ML/d for 10 days
		Large Fresh	75%	15,000 ML/d for 15 days
		Bankfull	50%	30,000 ML/d for 15 days
		Overbank	30%	44,000 ML/d for 15 days
	Darling River at Tilpa	Overbank	20%	57,000 ML/d for 15 days
		Overbank	10%	125,000 ML/d for 15 days
		Very Low Flow	100%	60 ML/d for 330 days
		Baseflow	100%	400 ML/d for 280 days
		Small Fresh	100%	1,450 ML/d for 10 days
		Large Fresh	75%	14,500 ML/d for 15 days
		Bankfull	50%	28,000 ML/d for 15 days
	Menindee	Overbank	30%	41,000 ML/d for 15 days
		Overbank	20%	51,000 ML/d for 15 days
		Overbank	10%	120,000 ML/d for 15 days
		Water supply	100%	18 months' supply
Border Rivers	Macintyre River at Boggabilla	Very Low Flow	100%	25 ML/d for 347 days
		Baseflow	100%	230 ML/d for 217 days
		Small Fresh	100%	840 ML/d for 10-14 days
		Large Fresh	75%	3,100 ML/d for 5-10 days

		Bankfull	100%	10,900 ML/d for 3 days
		Anabran	100%	10,900 ML/d for 13 days
		Overbank	30%	21,400 ML/d for 3 days
		Overbank	12%	60,000 ML/d for 3 days
Gwydir	Mehi River at Moree	Very Low Flow	100%	20 ML/d for 330 days
		Baseflow	100%	130 ML/d for 200 days
		Small Fresh	100%	345 ML/d for 10 days
		Large Fresh	75%	2,800 ML/d for 14 days
		Large Fresh	40%	10,000 ML/d for 5 days
		Overbank	10%	20,000 ML/d for 2 days
		Overbank	10%	30,000 ML/d for 2 days
	Gwydir at Yarraman	Very Low Flow	100%	20 ML/d for 350 days
		Baseflow	100%	130 ML/d for 200 days
		Small Fresh	100%	540 ML/d for 10-14 days
		Large Fresh	75%	4,860 ML/d for 14 days
		Large Fresh	40%	11,000 ML/d for 2 days
		Large Fresh	25%	40,000 ML/d for 5 days
		Bankfull	25%	60,000 ML/d for 2 days
		Overbank	10%	60,000 ML/d for 1 day
	Mehi at Collarenebri	Baseflow	100%	40 ML/d for 130 days
		Small Fresh	100%	100 ML/d for 10 days
		Large Fresh	100%	800 ML/d for 5 days
Namoi	Namoi at Gunnedah	Very Low Flow	100%	1 ML/d for 365 days
		Baseflow	100%	200 ML/d for 240 days
		Small Fresh	100%	600 ML/d for 10-14 days
		Large Fresh	75%	5,400 ML/d for 5 days
		Bankfull	30%	32,700 ML/d for 3 days
		Overbank	40%	40,000 ML/d for 2 days
		Overbank	33%	45,000 ML/d for 2 days
	Namoi River upstream of Walgett	Very Low Flow	93%	1 ML/d for 365 days
		Baseflow	93%	30 ML/d for 347 days
		Small Fresh	100%	200 ML/d for 10 days
		Large Fresh	75%	2,250 ML/d for 5 days
		Bankfull	40%	8,500 ML/d for 5 days
		Overbank	30%	10,600 ML/d for 10 days
		Overbank	25%	20,000 ML/d for 2 days
Macquarie	Macquarie at Warren Weir	Very Low Flow	100%	1 ML/d for 365 days
		Baseflow	100%	200 ML/d for 271 days
		Small Fresh	100%	450 ML/d for 10 days
		Large Fresh	75%	4,000 ML/d for 14 days
		Overbank	50%	12,000 ML/d for 3 days
		Overbank	50%	16,000 ML/d for 3 days
		Overbank	25%	18,000 ML/d for 3 days
	Lower Macquarie at Bells Bridge	Very Low Flow	96%	10 ML/d for 267 days
		Baseflow	96%	100 ML/d for 208 days
		Small Fresh	100%	140 ML/d for 10 days
		Large Fresh	75%	700 ML/d for 14 days
		Overbank	75%	1,900 ML/d for 10 days

Submission on the water-taking from the Namoi and Barwon-Darling/Baaka rivers

Namoi Floodplain Harvesting Allocation OBJECTION to extending allocations. 27.1.23

From [REDACTED].

The floods currently covering our inland may well prompt Government to be as generous with the water allocations in the cotton-growing zones as they have been in the past, or even more.

But that would prompt more demands in the future, and they will be far less able to be fulfilled than these present floods would seem to indicate. The drying will happen faster than the flooding.

The river system being inter-linked (in normal times) would suggest that water drawn upstream in one, may affect lower flow in the other. I wonder if that's taken into account by dpie.

All these rivers in their naturally supplied state nourish the whole local ecology around them; animals plants and water creatures; and without this healthy ecology, our own survival is further put at risk. This is well known to the First Australians whose principle was to take only what they needed for survival.

By that wisdom, no plan should be considered to increase the number of licences by 113 plus 53, to harvest water from the Namoi floodplain. Shockingly, the Namoi still has not received its 9,500 ML of water promised in the Basin Plan, for the health of its waters. were licences deprived also, or did they receive the maximum as priority?

Menindee Lakes, after this last revival of inland ecology, should never be allowed to sink down to as low as the suggested 195ML, or anything like it. That's far less than is in the Keepit Dam.

Trading of licences, and diversion works to alienate the natural flows, should both be prohibited.

Even if all our lives did not depend on continued protection of natural waters, which they do, the Namoi River should be protected from further profligate exploitation, in the interests of the people and local habitats along its length.

[REDACTED]

[REDACTED]

[REDACTED]



Registration No: [REDACTED]

28th January 2023

Dear Sir,

Here are my answers in their entirety, with out your stupid web form rejecting my answer because you have limited (with no right to) my answer top 1000 characters.

REGULATED

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.

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

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

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 license?

Yes



Registration No: [REDACTED]

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

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

No trade between management zones is reasonable to prevent concentration. 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 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 anabranh 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



Registration No: [REDACTED]



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.

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.

UNREGULATED

1. Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and the 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.

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

No



Registration No: [REDACTED]



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

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 license?

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 licenses?

No

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 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.

Currently trade is unable to be of any environmental or economic benefit due to inability to trade, despite the higher levels of connectivity in several zones, particularly the Lower Namoi which is a



Registration No: [REDACTED]



large, indirectly hydrologically connected unregulated catchment in which trade between water sources is supported by industry.

6. 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.

Further feedback

Other

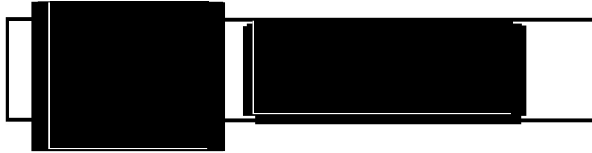
MODELLING

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".



Registration No. [Redacted]



Yours sincerely,



[Redacted]
Partner

Submission Floodsplain Harvesting

[REDACTED] >

Sat 28-January-2023 11:29 PM

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

Submission from:

[REDACTED]

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 million litres) to be returned for river health under the Basin Plan.
4. 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. 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. Strongly object to 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.
7. Strongly object to 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.
8. 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. Strongly object to the proposed rule to allow floodplain water extraction in the Namoi until Menindee Lakes reach a critically low level of 195,000 ML (195 GL - gicalitre= 1 billion litres). This trigger should be at least 450 GL.
10. Strongly 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. Object to any trade of floodplain harvesting licenses.
12. Object to any new works being 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.

[REDACTED]

28 January 2023

Submission to Namoi Unregulated FPH

Inland Rivers Network [REDACTED]

Sat 25-February-2023 11:40 AM

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

Please find attached a submission from Inland Rivers Network providing additional information on the proposed entitlements and access rules for FPH extraction in the Unregulated Namoi water source.

An acknowledgement of receipt would be appreciated.

Thank you

Brian Stevens
Secretary
Inland Rivers Network

Namoi Floodplain Harvesting submission.

Mr Brian Stevens [REDACTED]

Sun 29-January-2023 11:16 PM

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

This is a brief personal submission to complement my submission as Secretary of the Inland Rivers Network.

The Namoi River was the single largest contributor of water to the Darling/Baaka. See the numbers below:

- Culgoa River: 15.1%
- Border Rivers: 20.9%
- Gwydir River: 12%
- Namoi River: 23.1%
- Macquarie/Bogan Rivers: 21.6%
- Rare contributions come from the Warrego River and very occasionally from the Paroo River.

Data from the 'State of the Darling' report by Webb, McKeown & Associates Pty Ltd, 2007.

Irrigation development along the Namoi has greatly reduced that contribution, as it has on all of the other tributaries. You at DPIE know this, yet you base your proposals for licencing FPH on the record of historic unlicensed use. So whatever the unscrupulous irrigators did in the past, is to be now licenced. There is no regard for the environment, no regard for the Water Management Act, no regard for the Basin Plan in which the Namoi is in deficit to the tune of 9.5 GL. And it appears no regard for the cultural uses of water that have been deprived. Water that is siphoned off into cotton dams might once have filled billabongs and pools of importance to indigenous people.

Irrigators will be able to harvest flood plain flows when Menindee Lakes are virtually empty, when what water there is, lies where it cannot be accessed.

This proposal for Namoi FPH is a disgrace, and may well be the subject of a legal challenge.

Yours Sincerely

Brian Stevens
[REDACTED]

I give permission for this submission to be published.

Submission to Namoi FPH

Inland Rivers Network [REDACTED]

Sun 29-January-2023 12:15 PM

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

Dear Water Team,

Attached is a submission from Inland Rivers Network regarding proposed entitlement and rules for floodplain harvesting in the Namoi Valley.

We agree to have this submission published with contact details.

An acknowledgement of receipt would be appreciated.

IRN also wishes to object to the extension of the exhibition period for the Namoi unregulated water source until 28 Feb with a public meeting in Gunnedah on 7 February. We received a notification from DPE-Water that:

[In the weeks leading up to the NSW election there are special arrangements in place to ensure the neutrality of the public service.](#)

[From 26 January until the end of the formal caretaker period, our primary source of communications will be via our website.](#)

We consider the specific extension to be very biased towards one set of stakeholders that raises a question about the neutrality of public servants managing FPH regulation.

Regards

Brian Stevens

Secretary

Inland Rivers Network



PO Box 216, DUBBO NSW 2830
ph 0428 817 282
email inlandriversnetwork@gmail.com
web inlandriversnetwork.org
ABN 34 373 750 383

Healthy Floodplain Project
Department of Planning and Environment – Water
Locked Bag 5022,
Parramatta NSW 2124
floodplain.harvesting@dpie.nsw.gov.au

Friday 24 February 2023

Submission

Namoi Unregulated Floodplain Harvesting

Introduction

The Inland Rivers Network (IRN) is a coalition of environment groups and individuals that has been advocating for healthy rivers, wetlands and groundwater in the Murray-Darling Basin since 1991.

IRN submitted a substantive objection to the proposed Namoi Unregulated Floodplain Harvesting (FPH) volumes and management rules in the submission lodged on 29 January 2023 and acknowledged as being received.

We maintain those objections and provide additional information in this submission due to the extension of the public exhibition period.

The proposed 85,070 unit shares of entitlement across 53 proposed new unregulated FPH entitlements in the Upper Namoi with 300% carryover rules will enable up to 255,210 ML of extraction from the Upper Namoi floodplain in any one year.

This is a larger volume of water than the proposed 195 GL access trigger in the Menindee Lakes. This demonstrates a significant bias in decision-making by the NSW Government.

The process used to assess the unregulated FPH entitlements is based on flawed information and is double-dipping on the same process used to grant unregulated surface water entitlements under the volumetric conversion. There is no indication that a reduction in FPH

access has occurred in the Upper Namoi water sources. This is contrary to the NSW FPH Policy.

As described within the initial detailed IRN submission, tributary inflows from the Upper Namoi water sources are the only source of Planned Environmental Water (PEW) in the Regulated Namoi water source.

The proposed Namoi Unregulated FPH entitlements and access rules will not meet the Murray-Darling Basin Plan requirement for no net reduction in PEW.

IRN's Summary Recommendations for rules:

Unregulated Rules:

1. Account management rules

One year account management with no carryover

2. Available Water Determinations

Initial allocation <1ML per share unit and no more than 1ML per share for following years.

3. Permanent Trade

No trading should be permitted. The Namoi River system is too complex and compromised to allow FPH access to shift around the floodplain.

4. Access Rules

No access to FPH until Menindee Lakes is at 450 GL and flow in the Namoi upstream of Walgett in the last 485 days has exceeded 2,250 ML/day for 5 consecutive days.

5. Floodplain Works

No new or expanded floodplain works that will divert water for extraction. No FPH entitlements should be issued for existing works that do not have a current works approval.

6. Amendment provisions

Amendment provisions must enable adaptive management to improve ecological, cultural and social conditions downstream. Amendments must not be restricted by consideration of history of use.

Key Issues:

1. Use of satellite imagery as main line of evidence
2. Unclear rainfall runoff exemption calculations
3. Failure to meet NSW FPH Policy and Basin Plan requirements

1. Use of satellite imagery (remote sensing) as main line of evidence

The assessment of FPH entitlements in the Upper Namoi was based on the same process as the volumetric conversion to surface water entitlements for unregulated water sources across NSW. Volumetric conversion involved changing licence specifications from an authorised area to an annual volumetric entitlement. This process commenced in 1999 and involved theoretical determination of crop water requirements, based on representative climatic zones and crop classes. These requirements, together with cropping history determined by survey,

formed the basis of licence holders' annual volumetric entitlements. The process highlighted deficiencies in knowledge of evapotranspiration and crop water requirements and the need to standardise approaches for their determination.¹

This process has been repeated to determine 53 new unregulated FPH licences and appears to be a form of double-dipping on the volumetric conversion process. All properties in the Upper Namoi already have access to ground water entitlements and/or surface water entitlements.

The use of satellite imagery from 1998/99 is a very imprecise method of determining that an additional 85,070 unit shares of entitlement be granted.

The presentation in the Namoi Source Model workshop 4 outlines the deficiencies in relying on satellite images or remote sensing as the key line of evidence for determining crop area:

- Does not work well when wet
- Does not identify crop types
- Can pick riparian areas that are not irrigated
- Associating with the correct property
- Watering practices
- Cloud cover

IRN does not accept that the necessary multiple lines of evidence were adequate to determine such a large increase of entitlement in the Upper Namoi.

2. Unclear rainfall runoff exemption calculations

As outlined in the initial IRN submission the modelled volume of 23.4 GL of rainfall runoff exemption is a significant volume of unlicensed take. However, these modelled calculations are only within the regulated Namoi. There appears to be no calculation of rainfall runoff exemption across the 53 properties proposed to receive new unregulated FPH entitlements.

IRN maintains that the capture of rainfall runoff above the harvestable rights rules must be reduced from current licenced take.

The rainfall runoff exemption is another example of NSW Government bias towards the irrigation industry at the expense of the environment and downstream water users.

This exemption also causes a reduction in PEW.

3. Failure to meet NSW FPH Policy and Basin Plan requirements

‘The purpose of this NSW Floodplain Harvesting Policy is to manage floodplain water extractions more effectively in order to protect the environment and the reliability of water supply for downstream water users, ensure compliance with the requirements of the WM Act, and meet the objectives of the National Water Initiative.’²

¹ Austen et al, 2002. *Volumetric Conversion of Irrigation Licences on Unregulated Rivers - Theoretical Determination of Annual Volumetric Entitlements*

² NSW Department of Industry. September 2018. *NSW Floodplain Harvesting Policy*

IRN does not support that the proposed Namoi Unregulated FPH entitlements and access rules will achieve the purpose of the NSW Floodplain Harvesting Policy. These will cause significant ongoing decline in environmental health and downstream access to water supply, including from the declining groundwater sources in the region.

The Policy also states that: *'The determination of share components will not be based on any history-of-use information. History-of-use information is considered to have several disadvantages for disaggregating the total floodplain harvesting volume'*³

IRN considers that the proposed Unregulated Namoi FPH entitlements probably exceed the history of use due to double-dipping on the volumetric conversion process. There is no clear validation of how this volume was arrived at and no assessment of the impacts on river or groundwater health or on downstream water users.

The Namoi Unregulated Water Sharing Plan states that *'most floodplain harvesting is already catered for within existing unregulated river access licence share components.'*

The proposal to grant an additional 85,070 unit shares from the Namoi Unregulated water source is reducing the volume of PEW in both the Unregulated and the Regulated Namoi water sources. This net reduction in PEW fails to meet the requirements of the Murray-Darling Basin Plan and is therefore illegal under the *Water Act 2007* (C'wlth).

Conclusion

As outlined in the IRN initial submission to proposed Namoi FPH regulation, there is a paucity of information about how the volume of unregulated entitlement was arrived at.

The NSW Government has demonstrated a bias towards water supply to the irrigation industry contrary to the objects of the *NSW Water Management Act 2000*. A precautionary approach has not been taken and proposed volumes for new entitlement are double-dipping on unregulated surface water licences granted under the volumetric conversion process.

A net reduction in PEW will cause a breach of requirements of the Basin Plan.

IRN continues to strongly object to the proposed entitlements and access rules for Namoi Unregulated FPH.

For more information on this submission contact:

inlandriversnetwork@gmail.com

Yours sincerely
Brian Stevens
Secretary

³ Ibid p 12

Namoi FPH submission

Australian Floodplains [REDACTED]

Sun 29-January-2023 1:15 PM

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

Please accept the attached submission from the Australian Floodplain Association.
There is nothing confidential in it and we consent to any part of it being made public.
Kind regards

--

Sarah Moles,
Secretary,
Australian Floodplains Association
australianfloodplains@gmail.com



AUSTRALIAN FLOODPLAIN ASSOCIATION

Healthy Rivers - Healthy Communities

**Sarah Moles,
Secretary AFA,
33 Mailmans Rd, North Branch, Qld 4370
australianfloodplains@gmail.com, ph 0427 753 947**

Thursday 23rd February 2023

By email to: floodplain.harvesting@dpie.nsw.gov.au

Re Unregulated Namoi FPH entitlements and rules.

The Australian Floodplain Association takes this opportunity to re-iterate that we will not support any Water Sharing Plan, Water Resource Plan, Regional Water Strategy or any other such Plan that aims to lock-in unsustainable levels of additional floodplain harvesting take.

As a Peak Body comprised of floodplain and wetland landowners, indigenous groups, shire councils, local businesses and members of rural and remote communities dependent on healthy rivers, floodplains and wetlands, the AFA represents a far wider range of interests than the irrigation sector.

The fact that the NSW government refuses to comply with its own legislation by not upholding the hierarchy of water management principles as set out in s5(3) of the *NSW Water Management Act 2000* is difficult to understand; but it is clear that this is consistently ignored.

We have been advocating for healthy rivers and floodplains and making “no increase in take / additional licences to extract” points for more than a decade yet the demands of irrigators continue to be put ahead of all others in the river ecosystem. We are getting very tired of consultation processes that ignore our concerns.

Yet here we are, again, stating our objection to new Floodplain Harvesting entitlements in the unregulated section of the Upper Namoi valley. This water has been modelled as environmental water for years and must remain so if ecological disaster is to be averted.

Given the high degree of connectivity of the Namoi to the Barwon-Darling-Baaka, 53 new FPH licences totalling more than 85,000 ML - plus a 300% carryover rule - is totally unacceptable and an insult to our members, riparian landholders, river communities and indigenous people all the way to Wentworth.

We refer you to our previous, recent submission on new FPH entitlements in the Regulated Namoi valley. Once again we ask “how dare you” even contemplate new entitlements in the Namoi when this valley has thus far returned just over half of its contribution to the Northern Basin Recovery target?

To make these new entitlements compensable is beyond irresponsible.

We look forward to reading your justification for a truly preposterous proposal.

The Australian Floodplain Association (AFA) is a non-government organisation, established in 2006. It represents floodplain and wetland landowners and their communities who depend on healthy rivers, floodplains and wetlands. Its membership resides predominantly within the Northern Murray-Darling Basin and includes floodplain graziers, community groups and shire councils.

There is nothing in this submission that is confidential and we consent to any part of it being made public.

Yours sincerely,



The Australian Floodplain Association (AFA) is a non-government organisation, established in 2006. It represents floodplain and wetland landowners and their communities who depend on healthy rivers, floodplains and wetlands. Its membership resides predominantly within the Northern Murray-Darling Basin and includes floodplain graziers, community groups and shire councils.

I am sharing 'Document (3) (6)' with you Submission on Namoi Valley Floodplain Harvesting Allocation and Rules.

Robyn Bird [REDACTED]

Sun 29-January-2023 1:21 PM

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

Please accept my submission on the Namoi Valley Floodplain Harvesting Allocation and Rules.

I give permission for my name to be published.

I have attached my submission to this email.

Thank you

Yours sincerely

Robyn Bird [REDACTED]

[Sent from Yahoo Mail on Android](#)

It is problematic that insufficient time has been given for the report, Namoi Valley Floodplain Action Plan ,to contain adequate information. When the this information has been collated and published a new Action Plan should be published and submissions should be sought again.

1.The modelling has not been peer reviewed.

3. There is no information on cultural entitlements for First Nations Peoples.

I also object to 1. Any trade in floodplain harvesting licenses

3.The proposal to grant 53 new floodplain harvesting licenses in the unregulated Namoi River (85,070ML)

It is essential that amendment provisions in the water sharing plans be strengthened to allow for “on time” inclusion of all new information so that plans can be promptly updated i.e. plans to be made using the latest data not “historical , this is what we always did” past practices.

There should be no floodplain harvesting permitted until the effects of Climate Change are considered. The BOM, Climate Council and IPCC among other Scientific Groups predict that Australia will have longer, more severe droughts interspersed with shorter wet seasons and that most rain will fall in short heavy bursts. Australia's average temperature is already 1.47 degrees C above the average temperature in 1910 when recording began. This means that soil hydration is really important and holding water in dams just results in huge losses due to evaporation, up to 90% on hot windy days (see NSW AND Namoi draft Water Reports). Irrigators will need to change their methods of cropping to adapt to the new conditions.



161129 ANALYSIS of WILCANNIA FLOWS July 1920 to May 2016

	JULY 1920 TO JUNE 1994		JULY 1994 to MAY 2016		DECREASE IN RELIABILITY
	NUMBER OF YEARS	% OF YEARS	NUMBER OF YEARS	% OF YEARS	
<i># Financial Years</i>	74		22		
TOTAL FINANCIAL YEARS RECORDING ZERO FLOWS IN AT LEAST ONE MONTH	7	9.4%	10	45.4%	480%
	NUMBER OF MONTHS	% OF YEARS	NUMBER OF MONTHS	% OF YEARS	
<i>Total Months</i>	888		264		
<i>Months with No recorded Data</i>	16		0		
<i>TOTAL MONTHS WITH RECORDED DATA</i>	872	100%	264	100%	
TOTAL DECEMBERS WITH ZERO FLOWS	2	2.7%	6	27%	1000%
TOTAL OCTOBER, NOVEMBER, DECEMBER WITH LESS THAN 33.3ML/Day	12	5.5%	29	44%	800%
TOTAL MONTHS WITH MONTHLY TOTAL LESS THAN 30ML (less than average daily flow rate of 1 ML)	15	1.7%	36	13.6%	800%
TOTAL MONTHS with MONTHLY TOTALS LESS THAN 1000ML (Average Daily flows of less than 33.3ML/day)	30	3.4%	65	24.6%	720%
TOTAL NOVEMBER, DECEMBER, JANUARY & FEBRUARY WITH ZERO FLOWS	11	3.7%	18	20.5%	550%

Submission to Namoi Floodplain Harvesting Inquiry.

It is quite obvious from figures available on your proposed licence allocations, that in a normal year the lower section of the Darling river from Bourke down, will undoubtedly be left with completely insufficient water to not only meet stock and domestic needs but also the health of the river down to Wentworth.

In 2012, under Minister Hodgkinson, pump sizes were extended massively, as were pumping periods and volumes for all northern irrigators. As a result, flows at Wilcannia almost immediately reduced to practically zero. This is shown on a chart done by Geoff Wise, former Western Lands Commissioner, soon after, (see attached).

Surely it is basic common sense that using a “carry over” system for irrigators of up to 500% on a river system such as the Darling, where water is still needed at the lower end, and is absolute arrogance and an insult those needing water on the lower end.

The storage levels at Menindee lakes are critical for supply to down stream users and should never be a trigger point for the Namoi pumps to be turned on. A more pertinent trigger point would be a no-flow event at the mid-point of Wilcannia, (see attached as above).

Obviously irrigation must continue, but must be regulated by meters on every pump along the river. The natural flow of water into the river from rain events or re-entering from a flood event should not be tampered with in any way shape or form.

It never has been in the past and the deteriorating state of the Darling River shows it cannot be tolerated now.

Flood water across the many flood plains plays an enormous role in the sustainability of these flood plains, and it must return to the river to sustain a flow for the lower regions.

It's a shame that 100's of years of experience walked out the door of the Water Commission when redundancies were offered in 2004. People who would have passed valuable knowledge down the line.

In conclusion, I strongly object to the proposed granting of 113 new floodplain licences. I strongly object to 529000 ML being permitted to be extracted from

one flood situation, and definitely object to any trading whatsoever of existing floodplain licences.

I would appreciate being kept informed on all future developments on floodplain harvesting that are proposed. They will most certainly reflect on us down this end of the Darling River.

Thank you for accepting my submission.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

29th January 2023

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.

Floodplain



Sun 29-January-2023 5:49 PM

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

REGULATED

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.

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

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

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 license?

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

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

No trade between management zones is reasonable to prevent concentration. 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 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.

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.

UNREGULATED

1. Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and the 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.

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

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

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 license?

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 licenses?

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

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

Other

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".

Sent from my iPhone

[REDACTED]

27 January 2023

DPE – Water
Locked Bag 5022
Parramatta NSW 2124

By Email: floodplain.harvesting@dpi.nsw.gov.au

Submission: Proposed rules for floodplain harvesting licences for water sharing plans in the Namoi Valley

[REDACTED]

[REDACTED]

[REDACTED]

The rules and volumes being proposed to manage floodplain harvesting in the Namoi do not support the water management principles of the *Water Management Act 2000*.

[REDACTED] supports the licencing, metering and monitoring of floodplain harvesting in NSW. However, the cumulative environmental and cultural impacts of 40 years of uncapped floodplain harvesting development must be assessed before the issue of any more licences.

[REDACTED] [REDACTED] has raised serious and alarming concerns in several non-compliance reports to the Department, which have all been over-turned. **As a result, [REDACTED] has no faith that the licencing of floodplain harvesting is being conducted with proper regard to the environment.**

This submission discusses the environmental and cultural values of the catchment, details the serious issues [REDACTED] has raised [REDACTED] [REDACTED], and provides comments on the five areas identified that pertain to the floodplain harvesting rules in the Namoi.

[REDACTED] recommends:

- No issuing of floodplain harvesting entitlements until the 9,500 ML required to meet the Sustainable Diversion Limit under the Murray-Darling Basin Plan is recovered
 - Floodplain harvesting licencing be prioritised after First Nations ownership of fresh water, as in the 2020 National Agreement on Closing the Gap
- [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

- Satisfactory resolution of issues raised in [REDACTED] non-consensus report [REDACTED]
- Accounting rules and annual allocations that are a maximum of 1 ML (megalitre = 1 million litres) unit share
- Ruling out trading of floodplain harvesting entitlements
- Floodplain harvesting entitlements are only issued to floodplain works with current works approval, and not until all hotspot floodplain works are remediated
- Flow targets to manage floodplain harvesting diversions be based on the environmental watering requirements, not the critical drought first flush targets
- No rainfall runoff allowance
- Amendment provisions that permit the reduction of floodplain harvesting diversions to protect the environmental, social and cultural values of inland NSW

Thank you for the opportunity to participate in the consultation.

Your key contact point for further questions and correspondence is [REDACTED]
[REDACTED] We welcome further conversation on this matter.

Yours sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]



Proposed rules for floodplain harvesting licences for water sharing plans in the Namoi Valley

Environment

There are beautiful and ecologically important rivers, wetlands and lagoons in the Namoi that must by law be protected for their intrinsic value.

Functioning wetlands and lagoons with adequate vegetation clean water and provide essential ecosystem services to communities. River Red Gum, Blackbox and Coolibah wetlands in the catchment require flooding every 4 years.¹

Native fish populations have declined by 90% since European colonisation.² Threatened and endangered native fish require flows into wetlands and lagoons to support breeding and restore dwindling populations. To improve populations, native fish in the Namoi require small and medium fresh flows every two years.³

Floods are critical to recharge groundwater sources, particularly in the Namoi, which has a very high use of groundwater for the flood irrigation of cotton. Groundwater levels in the Lower Namoi Alluvium declined up to 10 metres in areas of highest impact between 2005 and 2016 alone.⁴ Since 2016, the region has experienced the most severe drought on record, and groundwater reliance across the state has dramatically increased from about 11% in 2018 to 27% in 2020.⁵

The rivers of the Namoi Valley contribute 23.5% of the Darling/Baaka river's flows.⁶ This is a significant contribution to the Barwon-Darling/Baaka River that must be protected under the Murray-Darling Basin Plan.

There is still 9,500 ML of water to be recovered from irrigation under the Basin Plan Sustainable Diversion Limits that were due for recovery by July 1 2019. This water should be recovered through voluntary open tender buy backs; the only cost efficient and effective way to return real

¹ Namoi Long Term Water Plan Part A: Namoi catchment

² Marine and Freshwater Research, What is needed to restore native fishes in Australia's Murray-Darling Basin?, October 2020

³ Namoi Long Term Water Plan Part A: Namoi catchment

⁴ [Redacted]

⁵ 2021 State of the Environment Report, NSW, page 90

⁶ MDBA baseline conditions report 2011

[REDACTED]

water to the rivers. Until this water is recovered, there should be no issue of floodplain harvesting entitlements in the Namoi catchment.

The damage that floodplain harvesting causes comes about due to the removal of regular small and medium flows that support wildlife and build resilience in the system in between the big flood events. Over bank flows are critical to the cultural and ecological health of the Namoi catchment. The decline in these flows due to uncapped floodplain harvesting has contributed to the ecological condition and native fish populations of the Namoi region, which is classed as poor.⁷

First Nations

The Namoi catchment is the Country of the Kamilaroi/Gamilaraay/Gomeri People. Traditional Owners maintain strong connections to their country, which was never ceded.

Significant Aboriginal cultural water dependent sites that are registered in the Aboriginal Heritage Information Management System are listed by the Murray-Darling Basin Authority as assets under Schedule 8 of the Basin Plan. These areas include Aboriginal ceremony and Dreaming sites, fish traps, scar trees, and waterholes throughout the catchment.⁸

Freshly signed agreements to transfer 3% of water holdings in NSW to the control of First Nations organisations under the Closing The Gap report should be honoured before the granting of billions of dollars' worth of new water access entitlements to irrigators who have had free access to this valuable public asset for several decades.

[REDACTED] Non-Consensus Report [REDACTED]

[REDACTED], raised a number of issues with the assessment of floodplain harvesting entitlements in the Namoi catchment. **Because of the issues with the Namoi model outlined below, [REDACTED] has no confidence in the results on exhibition for community comment.** Several non-consensus reports submitted to the Deputy Secretary DPE- Water identified various concerns, including:

Independence of the Committee Chairperson: The Chair declared a conflict of interest in the decision-making for the Barwon-Darling. He supported all the Department advice that was contested by the NSW Farmers Association and [REDACTED] through non-consensus reports.

The modeling process: The models developed for each valley have significant flaws and the assessment process has concentrated entirely on individual property capability and the building

⁷ Namoi Regional Water Strategy

⁸ Namoi Long Term Water Plan Part A: Namoi catchment

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

of a model for each valley. There were changes made to the floodplain harvesting models that are different to the hydraulic modelling developed for the floodplain management plan process.

The modelers have met with the irrigation industry frequently throughout the process. [REDACTED] has had only two consultations with the peer reviewer, Tony Weber, and one with project director, Dan Connor, over the assessment period.

Tony Weber says: “Unfortunately, other water users, such as those representing the environment, or downstream users, have not had the same opportunities for engagement in examining the data used in the model. We suggest that this needs to change.”

“A wholesale change in stakeholder engagement, using openness, transparency, inclusivity and processes suited to contentious environments, is required if mutual trust and ownership in the process of floodplain harvesting licensing, regulation, measurement and monitoring are to be established.”⁹

The policy for assessing properties with unregulated licences started by considering that the volumetric conversion process included all water use and there would be no additional floodplain harvesting licences granted. This was overturned part way through the appeal process. There was then a flurry of appeals and changes made to properties that had already been assessed. This resulted more often than not in vastly greater entitlements.

The policy in regard to assessment of unregulated and groundwater properties changed mid decision-making.

Issues specific to the Namoi:

- The original intent for unregulated floodplain harvesting assessment was that it had already been included in the volumetric conversion of unregulated licences. This position changed with the assessment of the Namoi. The door was opened to review additional floodplain harvesting take above the unregulated allocations. [REDACTED] was highly critical of this policy change. It has resulted in 85,070 additional unregulated unit shares being allocated.
- The terms of reference for [REDACTED] were changed twice during the assessment of the Namoi for floodplain harvesting volumes. These changes restricted committee input into decision-making. Many responses to non-consensus issues raised by [REDACTED] were that the matter was outside the terms of reference.

[REDACTED]

- [REDACTED] submitted a non-consensus report on the process to assess additional unregulated floodplain harvesting licences. This included the identification that some properties had not demonstrated any capacity to store water. The NSW government response was that 'capability assessments are not required for unregulated properties.'
- [REDACTED] did not support changes to unregulated floodplain harvesting assessment for 7 properties under review that resulted in an additional 13,173.565 ML of entitlement being granted with no environmental assessment.
- The NSW Government overturned all non-consensus reports including those submitted by the NSW Farmers Association representative.

Comments on Water Sharing Plan rules for floodplain harvesting in the Namoi Catchment

a) Account Management Rules

Water Sharing Plan for the Upper and Lower Namoi Regulated River Water Source 2016:
Account limit: maximum of 5 ML per unit share at any time

Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012:
Take limit: 3 ML per unit share over 3 consecutive years Account limit: maximum of 3 ML per unit share at any time

[REDACTED] **strongly objects to an account limit exceeding 1 ML per unit share at any time.** The Department is claiming that having an account limit of over 1 ML per unit will reduce floodplain harvesting diversions on average over time, compared to a 1 ML per unit limit. The modelling used to create this position is based on historic data, and does not factor in climate change.

Under a drier climate change scenario, flooding events are expected to be further apart, and (dependant on how dry the ground is) larger. If accounts were up to 5 times the entitlement volume when a flood occurs, very large volumes of water could be harvested.

The proposed volume of entitlements to be handed out in the Namoi is alarmingly high, given the serious issues with the modelling identified above in the [REDACTED] Non-Consensus Report [REDACTED] section of this submission and the recognised environmental degradation in the catchment.

[REDACTED] strongly objects to the issuing of:

- 113 new floodplain harvesting licenses in the regulated Namoi River with a total value of 54,750 unit shares.

- 53 new floodplain harvesting licenses in the unregulated Namoi River with a total value of 85,070 unit shares.

As each unit share is likely to equal 1 Megalitre (ML = 1 million litres), with full accounts and maximum carry over, it is possible that a total volume of 528,960 ML could be diverted by floodplain harvesting in any one year. This volume is greater than the storage capacity of Keepit Dam (419,000 ML) - the largest dam on the Namoi.

b) Available Water Determinations

Initial available water determination of 1 ML per unit Available water determination of 1 ML per unit share every year after that, subject to decreases to respond to growth.

■■■■■ supports an initial water determination of 1 ML per unit share. Account balances should never exceed 1 ML per unit share.

c) Permanent Trade Rules

Proposed permanent trade rules for floodplain harvesting (regulated river) access licences in the Lower Namoi Regulated River Water Source:

1. Establishing management zones that largely reflect one or more existing unregulated river water source boundaries (Figures 3, 4 and 5)
2. No trade between management zones
3. No nomination of works located outside the Lower Namoi Valley floodplain, Upper Namoi Valley Floodplain or Gwydir Valley Floodplain by a floodplain harvesting (regulated river) access licence.

Proposed permanent trade rules for floodplain harvesting (regulated river) access licences in the Lower Namoi Regulated River Water Source is no nomination of new works located in management zones A, AD or D, as specified in the relevant floodplain management plan

Trading is likely to lead to a concentration of floodplain harvesting diversions, most likely upstream. There is a significant risk that the impact of floodplain harvesting on downstream environmental and cultural assets would be exacerbated further by trading activities. **On the grounds that trading floodplain harvesting entitlements would likely lead to a loss of connectivity and harm to cultural and environmental assets, ■■■■■ does not support the trading of floodplain harvesting entitlements.**



d) Granting or amending water supply works nominated by a floodplain harvesting (regulated river) access licence

A water supply work approval will not be granted or amended if it is, or is proposed to be, nominated by a floodplain harvesting (regulated river) access licence and the water supply work is located or proposed to be located:

- outside the relevant declared floodplain, or
- for new works – within management zones A, AD or D of the relevant floodplain management plan, or
- for existing works – within management zones A, AD or D of the relevant floodplain management plan and the modification would result in an increased capacity for that work, or
- outside management zones A, AD or D of the relevant floodplain management plan and would result in an increase in the rate of take for an existing work located within these management zones.

A water supply work approval will not be granted or amended until a flood work approval is granted if:

- the water supply work approval is, or is proposed to be, nominated by a floodplain harvesting (regulated river) access licence, and
- the water supply work is located or proposed to be located within management zone AID of the relevant floodplain management plan, and
- the water supply work is also a flood work.

 **does not support the granting of floodplain harvesting entitlements for works that do not have a current works approval.** Eleven floodplain 'hotspots' (works that impede critical flows) were identified in the Upper Namoi and 28 in the Lower Namoi Valley. No floodplain harvesting entitlements should be issued until all identified hotspot works are remediated.

e) Access Arrangements

Access is not permitted when Menindee Lakes is below 195GL except during periods when there is a flow of at least 4,500 ML/day in the Namoi River at the Bugilbone gauge.

 supports flow targets being used in Water Sharing Plans to trigger access to unregulated flows by floodplain harvesting. However, the proposed flow targets presented for the Namoi Valley are inadequate to achieve the objectives of the *Water Management Act 2000*.



[REDACTED]

The flow targets being used for managing access to floodplain harvesting are based on the s.324 triggers¹⁰ for use after drought events, which were themselves strongly opposed by [REDACTED] and the majority of stakeholders in the [REDACTED].

The flow target of 195GL in Menindee Lakes is lower than when the 2019-20 Menindee fish kills occurred, and has raised significant opposition from the community.

An email from Dan Connor dated February 11 2022 to then CEO of DPE Water, Dr Jim Bentley explains how by using the s.324 triggers, the Department will be able to claim they have listened to the recommendations of the Select Committee into Floodplain Harvesting, while being low enough to be unlikely to reduce floodplain harvesting take overall.¹¹

The NSW Environment and Heritage Group (EHG) stated:

‘EHG considers the proposed in-catchment targets to be too low to protect key environmental assets of extreme dry periods and do not:

- Adequately consider the long-term health of environmental assets.
- Consider environmental water requirements defined in the Broder Rivers and Gwydir Long Term Watering Plans.
- Support the priorities and actions in the NSW Water Strategy
- Support the water management principles of the Water Management Act.¹²

[REDACTED] strongly maintains that the flow targets used to manage floodplain harvesting should be based on the environmental watering requirements for each catchment, not the s.324 triggers.

There should be no Rainfall Runoff exemption. Collected runoff on top of the 10% harvestable right allowance should be licenced.

f) Amendment Provisions

Regulated:

Proposed amendment provisions for floodplain harvesting (regulated river) access licences in the Lower Namoi Regulated River Water Source:

1. An amendment provision to add, modify or remove provisions for floodplain harvesting (regulated river) access licence provided that they don't significantly alter the long-term volume of floodplain harvesting that can be taken under legal limits:

- to allow flexibility should environmental flows be targeted to create overbank flow, or
- in response to monitoring, evaluation and reporting outcomes of environmental benefits from licensing floodplain harvesting, or

¹⁰ The *section 324* order restricts the take of water under some classes of licences due to critically dry conditions

¹¹ Documents released through Parliament, July 2022

¹² Ibid

[REDACTED]

- in response to improved understanding of the influence of floodplain harvesting on downstream flows
- in response to improved integration of hydrologic and hydrodynamic model systems.

2. An amendment provision to allow for trade rules to be modified based on any review undertaken of the existing trade rules in the Namoi Unregulated Rivers Water Sources.

3. An amendment provision that requires a review of the access rules for floodplain harvesting (regulated river) access licences prior to 30 June 2025. This review would include obtaining and publishing independent expert advice on the adequacy of the access rules and seeking public comment on that advice. Based on this process, changes could be made to the access rules.

Unregulated:

Proposed permanent trade rules for floodplain harvesting (unregulated river) access licences in the Namoi Unregulated River Water Sources:

1. Rules that reflect existing trade rules for unregulated river access licences.
2. Permanent trade of a floodplain harvesting (unregulated river) access licence restricted to within the Lower Namoi Valley Floodplain and Upper Namoi Valley Floodplain.
3. No nomination of works located outside the Lower Namoi Valley Floodplain and Upper Namoi Valley Floodplain.
4. No new nomination of works located in management zones AD or D of the relevant floodplain management plan by a floodplain harvesting (unregulated river) access licence

Amendment provisions must not include the clause “provided that they don’t significantly alter the long-term volume of floodplain harvesting that can be taken under legal limits”.

No meaningful improvement in environmental or cultural outcomes can be achieved when the reduction of floodplain harvesting diversions is not on the table. **The inclusion of this restriction communicates a lack of good will from the NSW Government to address the impacts of historic over extraction of water on the environmental, cultural and social fabric of inland NSW.**

Submission: Namoi Floodplain Harvesting Allocation & Rules

Email: floodplain.harvesting@dpie.nsw.gov.au

Date: 29/01/2023

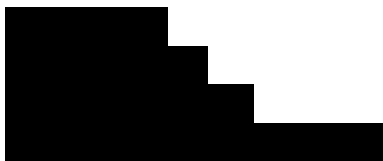
I strongly object to the proposal to grant 113 new floodplain harvesting licences on the regulated Namoi River and the proposal to grant 53 new floodplain harvesting licences on the unregulated Namoi River.

I also object to the proposed 500% carry-over rule for the regulated Namoi River and the proposed 300% carry-over rule for the unregulated Namoi River.

Irrigation licence extractions on the Namoi and other northern rivers have been grossly over allocated. The Namoi still owes 9,500ML to be returned under the Basin Plan. Any new licences can only add to the over allocation. The expansion of irrigated cotton in the northern river tributaries to the Barwon Darling have decimated river flows on the lower end to the extent that yearly no flow events exceed flow events. River towns and communities have had to put down bores for drinking water. These bores often have high levels of salt and iron. The order of extraction of water is town water, environment, stock & domestic, and irrigation. It appears that this order does not apply to the cotton industry in the upper end of the Barwon Darling system.

The cotton industry has a thirst for water like no other. Growing cotton is a large-scale farming enterprise. More water equals more money, so it appears that they will always want MORE.

Yours faithfully,

A black rectangular redaction box covering the signature area.

Namoi floodplain harvesting submission

Sun 29-January-2023 11:58 PM

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

This is a submission from [REDACTED] [REDACTED] on the proposed rules set out in Namoi: Floodplain harvesting in water sharing plans Report to assist community consultation. It is not confidential.

Dear floodplain harvesting submission readers,

It is important that floodplain harvesting is regulated. Unfortunately, the approach taken by the current NSW Government and included in the proposed rules is quite inappropriate because it aims to enable the continuation of a level of extraction that is ecologically and socially quite unsustainable, is not consistent with the priority given to the environment in the NSW Water Management Act, and does not ensure that water extraction from the Namoi water sources are brought down to the level specified and previously agreed under the Murray Darling Basin Plan.

The Namoi is a very important tributary of the Barwon and thus of the Darling/Baaka and the Murray. It was naturally a major contributor of both flood flows and in-channel flows. Flows in those rivers have been greatly reduced by combined effects of all of the extraction in all the tributaries, but the capacity to care for the people and ecosystems of those downstream rivers is influenced most by the management of the Namoi and Macintyre. To achieve significant rises in within-channel flows all the way down the Darling/Baaka to produce the environmental and social benefits that depend on such rises, often requires overbank flow from a rainfall event in one of the tributaries. To achieve connection of the billabongs, lakes and high-flow channels or anabranches of those downstream rivers to support recovery of their ecosystems after droughts and between droughts requires repeated and prolonged flood flows, not just a brief flow after a drought then a rare big flow when the floodplain harvesters can't store any more. The water taken by floodplain harvesting in the Namoi is not spare water: it is needed downstream. The level of connectivity provided by the proposed rules is totally inadequate.

The proposal to allow floodplain harvesting after a drought when just 4,500 ML will reach Walgett is disgusting, showing the current Government's absolute lack of concern for the people and ecosystems of the Barwon and the Baaka/Darling (including Lower Darling). Harvesting should not be allowed until Menindee lakes are above 450GL.

The proposal also adversely affects the environment within the Namoi and will contribute to the continuing decline of groundwater levels because water that should be allowed to keep moving across the floodplain can be taken before it reaches and soaks into places where it is needed.

The number of licences proposed to be issued is far too large. The 113 extra licences proposed in the "regulated" part of the floodplain and the 53 new licences proposed in the "unregulated" area should not be granted. No licences should be granted for works that were not approved long ago, nor for works in 'hotspot' areas where flood flows are being significantly restricted.

The total volumes of licences to be issued should be substantially reduced, and should not exceed the amount that could be extracted under the 1993-4 level of development. The limit should not be set to account for growth since that cap date was set. The amount of water to be recovered to meet the Murray Darling Plan needs to be recovered. These rules will make it harder to meet these requirements.

No 'carryover' should be permitted. This is yet another attempt to put the desires of irrigators who have kept using any opportunity to grab water at the expense of the downstream environment to grab even more. It never gets paid back.

Trading of floodplain harvesting licences should not be permitted.

Volumes of water needed to achieve all of the environmental needs of the rivers downstream, not just a few of those needs, should be protected so the rules should enable protection by restricting harvesting at any time when a downstream need has not been met. Similarly, water is needed to meet cultural needs that have not yet been determined.

The amendment provisions therefore need to enable reduction in the volumes and changes to the rules of harvesting licences as our understanding of downstream needs or groundwater replenishment needs improves.

Thank you for considering this submission.

Regards



The proposed rules should be changed to limit the times and volumes that may be extracted

Flood plain harvesting

[REDACTED]
Tue 31-January-2023 1:11 PM

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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I am representing myself as an irrigator.

I have attended:

*public consultation meeting in Wee Waa

*webinar

**I WOULD LIKE MY NAME AND PERSONAL DETAILS TO BE TREATED AS
CONFIDENTIAL**

SUBMISSION TO- Proposed rules for floodplain harvesting in the Namoi valley

REGULATED

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

Yes

1.1 - 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 water determination of 1 ML per unit share?

No

2.1 - 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 - 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 license?

Yes

4.1 - 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 - 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 - No trade between management zones is a reasonable concept to prevent concentration, however 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 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.

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 - I reject 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 for upstream users which would not make the end of system, or in particular cases, the river channel, 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 the small fresh range and the bottom of large fresh range. The Gwydir has multiple trigger locations, which are generally in the small fresh range. The Namoi is a complex system with very clear climatic, geographic, hydrological, 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.

8. Do you support the proposed amendment provisions?

No

8.1 - 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.

UNREGULATED

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

Yes

1.1 - 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 - 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.

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Yes

4.1 - 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 licenses?

No

5.1 - 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 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.

Currently trade is unable to be of any environmental or economic benefit due to inability to trade, despite the higher levels of connectivity in several zones, particularly the Lower Namoi which is a large, indirectly hydrologically connected unregulated catchment in which trade between water sources is supported by industry.

6. Do you support the proposed amendment provisions?

No

6.1 - 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.

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Further feedback

Modelling

The e-Source Model used for the Namoi Floodplain Harvesting has been rejected by industry in its current state. There are currently forty-six (46) issues and concerns tabled to the department arising from the model outcomes which have been submitted from the public consultation with a response only provided with three working days before submissions are due.

Until such time as there is a model available which has been peer reviewed, further consultation with industry 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.

Other

Consultation has not been acceptable.

There was one in person forum held, and one online webinar. To do such minimal consultation at a time when the water users in the Namoi were still managing flood impacts and trying to salvage winter crop harvest is unreasonable. A webinar which does not allow participation outside of a written comments section is an information download, not consultation. Industry strongly requested at a minimum there be two in person (2) meetings held to maximise the opportunity of water users to be able to attend, yet this was not provided.

The presentation for both forms of consultation showed in bold print on slide 6 the quote **“This reform is too important to delay”**

In response, **this reform is too important to get wrong**, so it must be delayed until such time as the model is acceptable.

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Floodplain harvesting submission- Namoi Valley

Tue 31-January-2023 1:55 PM

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

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[REDACTED]

[REDACTED]

Namoi Valley flood plain harvesting submission

[REDACTED]

Tue 31-January-2023 6:20 PM

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

[REDACTED]

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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.

Currently trade is unable to be of any environmental or economic benefit due to inability to trade, despite the higher levels of connectivity in several zones, particularly the Lower Namoi which is a large, indirectly hydrologically connected unregulated catchment in which trade between water sources is supported by industry.

6. Do you support the proposed amendment provisions?

No

6.1 - 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.

Further feedback

Modelling

The e-Source Model used for the Namoi Floodplain Harvesting has been rejected by industry in its current state. There are currently forty-six (46) issues and concerns tabled to the department arising from the model outcomes which have been submitted from the public consultation with a response only provided with three working days before submissions are due.

Until such time as there is a model available which has been peer reviewed, further consultation with industry 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.

Other

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In response, **this reform is too important to get wrong**, so it must be delayed until such time as the model is acceptable.

I reject the e-Source Model of the Namoi.

[REDACTED]

Namoi Floodplain Harvesting

[REDACTED]

Tue 31-January-2023 6:22 PM

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

[REDACTED]

I am representing myself as an irrigator.

I have attended:

*public consultation meeting in Wee Waa

*webinar

**I WOULD LIKE MY NAME AND PERSONAL DETAILS TO BE TREATED AS
CONFIDENTIAL**

SUBMISSION TO- Proposed rules for floodplain harvesting in the Namoi valley

REGULATED

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

Yes

1.1 - 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 water determination of 1 ML per unit share?

No

2.1 - 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 - 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 license?

Yes

4.1 - 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 - 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 - No trade between management zones is a reasonable concept to prevent concentration, however 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 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.

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 - I reject 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 for upstream users which would not make the end of system, or in particular cases, the river channel, 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 the small fresh range and the bottom of large fresh range. The Gwydir has multiple trigger locations, which are generally in the small fresh range. The Namoi is a complex system with very clear climatic, geographic, hydrological, 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.

8. Do you support the proposed amendment provisions?

No

8.1 - 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.

UNREGULATED

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

Yes

1.1 - 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 - 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 - 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 license?

Yes

4.1 - 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 licenses?

No

5.1 - 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.

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Further feedback

Modelling

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I reject the e-Source Model of the Namoi.

Other

Consultation has not been acceptable.

There was one in person forum held, and one online webinar. To do such minimal consultation at a time when the water users in the Namoi were still managing flood impacts and trying to salvage winter crop harvest is unreasonable. A webinar which does not allow participation outside of a written comments section is an information download, not consultation. Industry strongly requested at a minimum there be two in person (2) meetings held to maximise the opportunity of water users to be able to attend, yet this was not provided.

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I reject the e-Source Model of the Namoi.



(No subject)

[REDACTED]

Wed 01-February-2023 11:39 AM

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

My name is: [REDACTED]

Address: [REDACTED]

[REDACTED]

Phone: [REDACTED]

I am representing myself as an irrigator.

I have attended:

*public consultation meeting in Wee Waa

**I WOULD LIKE MY NAME AND PERSONAL DETAILS TO BE
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SUBMISSION TO- Proposed rules for
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REGULATED

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

No

2.1 - 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 - 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 license?

Yes

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

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Yes

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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.

UNREGULATED

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

No

2.1 - 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.

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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.

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I reject the e-Source Model of the Namoi.

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“This reform is too important to delay”

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I reject the e-Source Model of the Namoi.

Regards,

[REDACTED]

[REDACTED]

Namoi floodplain harvesting submission

Wed 15-February-2023 9:03 AM

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

PROPOSED FLOOD PLAIN HARVESTING RULES IN THE NAMOI VALLEY UNREGULATED RIVER SOURCES

Over the years many documentaries have made us aware of some of the environmental problems resulting from unregulated everything in the river systems.

“Four Corners” has been a reliable educator in explaining, questioning and showing many of the issues involved in diverting river waters to benefit a particular group of water users. We remember the dreadful droughts, some of which were exacerbated by continued water extraction by big mining companies, even while farmers were reducing their water usage. Fines were imposed on the mining companies at a later date for this extraction, which had been vehemently denied at the time, and for their continual distortion of the truth.

Who could forget the sight of the fish kill in the Murray Darling which was partly attributed to over extraction by irrigators? The environmental flows were practically non-existent at the time, since these were considered an impediment by the irrigators to their planned water usage.

We well remember the aerial newspaper photos of a large cotton farm in western NSW with bulldozers working round the clock creating a vast extent of levee banks – tens of kilometres in length. They were harvesting and storing as much of the floodwaters as possible, before these waters moved further down the Murray Darling River System. This occurred following the big floods about 10-15 years ago. There was an outcry about the audacity of one cotton farmer diverting so much flood water for his own benefit.

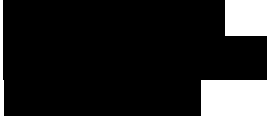
Many scientists, conservationists, environmentalists, indigenous groups, people caring for their land, comment on the importance of healthy river systems and the connectivity within all these systems – diversity of ecosystems with all its plants, animals, insects etc. These systems all need to be protected as scientists still need to identify, describe and discover the function of the individuals in each system as well as the way they interact with other systems.

In the parliamentary inquiry into flood plain harvesting, Professor Kinsford commented on the term and concept of “waste” water, that flood plain water is “wasted water” and that it should be utilised. It is as though the irrigators infer that they do a much better job of looking after the “pesky” flood plain than the environment which has adapted over millions of years to cope with their specific niche in the environment.

This concept has been advanced in other inquiries in Australia, notably the damming of the Fitzroy River in WA. It is interesting that some of the proponents of this were irrigators who wanted to expand their farms or to establish new cotton farms from NSW into WA. One of the other major proponents was Hancock Holdings or similar company in the Hancock Group, which was expanding into agriculture. The Indigenous groups wanted to protect the Fitzroy River with its vast flood plains and allow the flood plains to act naturally without any interference by irrigation systems. It was a shock to learn from the parliamentary inquiry that water captured by flood plain harvesting is FREE as irrigators, cotton farmers or anyone harvesting this resource doesn’t pay royalty, very little or no tax, so there is little contribution to the public or to the environment.

When one sees the vast extent of some of the farms in Australia, it is noticeable at the lack of trees on the boundary lines or a few trees far away in the distance. Our environment would have a greater diversity, if law makers had taken notice of environmentalist who wanted to have corridors for wildlife - 22 chains wide i.e. a cricket pitch, along each boundary to provide habitat for animals, birds, insects etc. Some farmers have put these ideas into practice and have noticed greater benefits such as increase in crop production, reduction in spraying as the birds provide that service, less soil evaporation, cooler climate, and atmospheric moisture retention round the trees.etc.

These proposed flood plain harvesting rules are important to protect the environment and for down stream communities to have a fair share of this precious resource. There needs to be requirements for the installation of accurate, tamper proof and reliable measuring equipment with constant monitoring of data. In the past it was too easy for unscrupulous irrigators to interfere with equipment and people whose job it was to check for water taken above their allocation.



Submission for unregulated floodplain harvesting

Sun 26-February-2023 10:57 AM

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

Please see below for my submission in relation to the oppressive proposed unregulated floodplain harvesting rules (submitted on behalf of [REDACTED] & in relation to [REDACTED]).

UNREGULATED

1. Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and the 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.

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

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

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 license?

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 licenses?

No

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. Throughout the Unregulated catchment overland flow must be decoupled from in stream low flow triggers.

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.

Currently trade is unable to be of genuine environmental or economic benefit due to inability to trade, despite the higher levels of connectivity in several zones, particularly the Lower Namoi which is a large, indirectly hydrologically connected unregulated catchment in which trade between water sources is supported by industry.

Currently there are zones which are unjustified and require immediate review.

Across the Namoi Unregulated system there are many examples of common ownership and/or management which under current proposed rules present impractical and nonsensical situations which puts some landholders in an inequitable situation. There must be flexibility of zones and boundaries when land is continuously linked that there be provisions to use water across all that operation.

With adequate solutions which must be affordable and practical to metering and measurement in line with Floodplain Harvesting regulations provided by government and department on a case-by-case basis these inequities could be rectified.

6. 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.

Further feedback

I am deeply angered and concerned the entire Floodplain Harvesting policy implementation is being rushed through in the Namoi catchment for short term political gain and the long-term expense of communities and water users.

Consultation has not been adequate, with submissions closing and consultation ending BEFORE the peer review process has been completed.

There are many unanswered questions and concerns regarding policy gaps and implementation which have been tabled to government and department which have not been addressed, resulting in legal uncertainty, halting of expansion and/or

development, undue stress to individuals and communities along with financial uncertainty of the final costs.

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.

OTHER

Individual farm operation guides.

There is a clear requirement for individual farms to have an approved and confirmed farm operation guide developed and approved by department to ensure the complexity of all water sources, zones, works approvals, forms of take, measurement and metering requirements are defined. This will be beneficial to all stakeholders – water users, department, and regulators – to ensure legislation and rules are accommodated, understood and adhered to by all stakeholders.

There are multiple situations where water users are not being issued a Floodplain Harvesting entitlement, and existing unregulated license excludes them from accessing overland flow which inundates their farm, entering irrigation infrastructure. This demonstrates a clear and urgent need for this to be addressed **BEFORE** policy implementation.

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The peer review process has not been completed, so to close submissions and end consultation before an opportunity to respond to the peer review is disrespectful and arrogant to individuals and communities.

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Incorrect, it is imperative to all stakeholders this reform is not implemented until ready, I respond that-

"This reform is too important to get wrong".

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Submission Re Unregulated Namoi Floodplain Harvesting Allocation and Rules

[REDACTED]
[REDACTED] February-2023 6:14 PM

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

Good afternoon

Please find attached my submission to the above enquiry.

If any further contact is required please advise to the address on the submission

Kind regards
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
26th February, 2023

Dear Sir,

SUBMISSION: Unregulated Namoi Floodplain Harvesting allocation and rules

I wish to make a submission on the above matter, from a higher perspective than individual river management.

All recent water allocation decisions have become quasi victims of the corporate capture of the political system. I would suggest that all the decisions on water in the state of New South Wales be taken out of the hands of the Minister/bureaucracy and handed to an independent body based on expertise in the relevant scientific disciplines to arrive at soundly based water allocation decisions. This body would be answerable to Parliament however would require significant legal standing and autonomy.

That all trading of river water be abolished, since the separation of land and water, this system has led to non-agriculture entities deriving significant income from water trading in the belief that the basics of economics – supply and demand will result in price equilibrium. In the case of water, this does not necessarily produce the best outcome for either the economy or environment.

One of the results of the recent water regime has been the rise of industrial farming at the expense of the environment and the communities who rely on the rivers for their social structure and cohesion.

There is an urgent need to address the problems of allocation of scarce water resources in the Murray Darling Basin as time is critical, we are now at a tipping point. The current arrangement will result in irreversible environmental damage.

Yours faithfully

[REDACTED]

Fwd: UNREGULATED FLOODPLAIN HARVESTING SUBMISSIONS DUE 28/02/2023

Mon 27-February-2023 9:50 AM

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

UNREGULATED FLOODPLAIN HARVESTING SUBMISSIONS

UNREGULATED

1. Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and the 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.

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

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

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 license?

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 licenses?

No

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.

Throughout the Unregulated catchment overland flow must be decoupled from in stream low flow triggers.

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.

Currently trade is unable to be of genuine environmental or economic benefit due to inability to trade, despite the higher levels of connectivity in several zones, particularly the Lower Namoi which is a large, indirectly hydrologically connected unregulated catchment in which trade between water sources is supported by industry.

Currently there are zones which are unjustified and require immediate review.

Across the Namoi Unregulated system there are many examples of common ownership and/or management which under current proposed rules present impractical and nonsensical situations which puts some landholders in an inequitable situation. There must be flexibility of zones and boundaries when land is continuously linked that there be provisions to use water across all that operation.

With adequate solutions which must be affordable and practical to metering and measurement in line with Floodplain Harvesting regulations provided by government and department on a case-by-case basis these inequities could be rectified.

6. 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.

Further feedback

I am deeply angered and concerned the entire Floodplain Harvesting policy implementation is being rushed through in the Namoi catchment for short term political gain and the long-term expense of communities and water users.

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There are many unanswered questions and concerns regarding policy gaps and implementation which have been tabled to government and department which have not been addressed, resulting in legal uncertainty, halting of expansion and/or development, undue stress to individuals and communities along with financial uncertainty of the final costs.

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

Irrigator and Community Member.

Fw: Lake Goran Water Source in the Upper Namoi - Proposed Rules for FP Harvesting in the Namoi Valley

Dan Connor [REDACTED]

Wed 1/02/2023 5:09 PM

To: Frances Guest [REDACTED]

Hi Frances,

[REDACTED]

Please also treat this as a submission.

Thanks

Dan Connor

Director, Healthy Floodplain Project Delivery

Water | Department of Planning and Environment

[REDACTED]

www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: [REDACTED]

Sent: Wednesday, 1 February 2023 5:01 PM

To: Dan Connor [REDACTED]

Subject: Lake Goran Water Source in the Upper Namoi - Proposed Rules for FP Harvesting in the Namoi Valley

February 1st, 2023.

Dear Dan

I have some questions with regard to the **Proposed Rules for Floodplain Harvesting in the Upper Namoi Valley**.

Firstly, let me introduce myself:

I am a landholder [REDACTED]

[REDACTED] and also a current representative on the [REDACTED]

[REDACTED]

Unfortunately, I am unable to attend the scheduled meeting (due to a medical operation commitment) at Gunnedah on 7th February in regard to Proposed Rules for Floodplain Harvesting in the Namoi Valley, and Upper Namoi Valley, but hopefully the meeting will be recorded so that landholders unable to attend can access for review.

I seek clarification on the following:

1) Can I assume the Floodplain Harvesting Reforms and community consultation do not involve landholders south of Breeza, more particularly those within the Lake Goran Water Source, where "floodplain harvesting" has not been allowed since 2008 and where there are current water access licence allocations that cannot be traded outside the zone area, and where, I assume, landholder's current licence conditions will not alter under the proposed reforms. In other words these current licence holders' conditions will not be affected or changed under the current reforms as they are classified as being "exempt" in this process.

Therefore the current Submission Form questions possibly do not apply? If the plan is to make significant changes to existing Licence Holders, a lot more consultation and conversation with landholders and licence holders etc for this area is needed. Our area geographically does not have direct association with the Namoi system and historically it is felt we also don't belong in the Upper Namoi!

2) I am not familiar with landholder concerns or licence conditions in the Mooki River and its tributaries' Catchment area. You may care to clarify if they're any differences.

Notes for your comment:

The unregulated river source licences held in the Lake Goran Water Source area do not have access to any permanent overland water sources; that is consisting of Yarraman Creek, Kickerbell Creek, Coomoo Coomoo Creek, and Lake Goran. Seasonal conditions dictate the probabilities of water take with no assurances, and there are many years when there is no water available.

However, a few landholders do have both an underground (bore allocation) WAL as well as a WAL for overland flows, and sometimes only one storage facility that may also be picking up irrigation tail waters, or property run-off when water is used for irrigation.

How will landholders be charged for water when it is not always available? In other words charges cannot be made for something not received.

However, water available from an underground source may share a common storage and I assume that water would be measured at the bore site just as the overland flows will be measured at the pump site. However, the storage could also be collecting water from natural property run-off and irrigation tailwater drains. Also, what about carry over water allowances?

Unlike some areas, irrigation in our area is not always an annual event especially during very wet seasons when our soils need drainage, but storage is still very important to collect for dryer or optimum crop requirement times. What if the water allocation is not used, and water does evaporate over time; so how will all these water sources be treated in and out of a storage?

Therefore, there arises further questions on how our area is managed in contrast to other Catchments and their tributaries within the Namoi system and also those of the larger north-

western River systems where Government Infrastructures control water flows and maintain a connectivity to the MDBP.

Can the department provide an up to date (recent) analysis on how much floodwater Goran Basin, and its associated tributary water flows actually do contribute to the Mooki River at Breeza and to the MDB Water Sharing Plan. It is known that the water flows from the Native Dog Creek being further downstream from Goran Lake join the Mooki River at Breeza but there is rarely direct connectivity with the Goran Lake Water Sources.

Dan, I look forward to your responses in regard to the Proposed rules for floodplain harvesting.

Also Minister Anderson has asked me to contact you in regard to Floodplain Management and matters concerning our area. I would welcome direct contact with you to be arranged at a later date to further discuss the Upper Namoi floodplain mapping zones for the Yarraman Creek floodplain with the view to addressing environmental, economic, social well-being, public infrastructure maintenance, public access with the desire to achieve fairer and better outcomes for the future sustainability of the area. I will forward you an email attachment detailing these matters and concerns within the next couple of weeks.

Yours sincerely

[Redacted signature]

[Redacted signature block]

Submission: Unregulated Namoi Floodplain Harvesting allocation and rules

[REDACTED]

Mon 27-February-2023 2:03 PM

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

Good morning

Please find attached submission from the [REDACTED] regarding the Unregulated Namoi Floodplain Harvesting Allocation and Rules.

Also attached is a supporting document,

Kind regards

[REDACTED]

[REDACTED]

26th February 2023

SUBMISSION: Unregulated Namoi Floodplain Harvesting allocation and rules

From Wilcannia perspective, an unregulated portion of the Barwon Darling

1. Flows from the Namoi River and its tributaries, from its convergence with the Barwon Darling near Walgett, contribute to the downstream health of the river system. Depending on the quantity and quality of the flow, this includes billabongs, lagoons, and the replenishment and connectivity of water holes, a contributor to the health of native fish and a myriad of river vertebrates and invertebrates along with the natural cycle for wetlands, impacting the breeding cycle of birds and insects.
 2. Groundwater replenishment requires flood flows for recharge and the Namoi valley is not isolated in the threat that depleted groundwater reserves place to the standard of living expected. (Geography Bulletin Vol 48, No 1 2016 25).
 3. The unlicensed and unregulated capture of flood plain water flows has reduced the low to medium flows on the Darling River at Wilcannia. Wise, 2019 shows a 480% decrease in reliability of flood flows and up to 1,000% drop in reliability of water flows generally at Wilcannia (Wise G. 2019, 'Analysis of River Flows at Wilcannia July 1920 to May 2016" - attached)
 4. When water entitlements were separated from the land, these licenses included access to flood waters. Allowing flood plain harvesting will increase water access and could be called double dipping.
 5. The proposed 300% carryover rule which allows up to 255,210 ML of flood water to be extracted in one season is equivalent to 6 days flood flow at Wilcannia of 43 GL per day, the December peak flow rate during the 2022 flood, or 147 days flow at 1,735 ML as of the 26th February 2023.
 6. Cease access targets should be based on all flow regimes, not just baseflows. The river system needs to be considered as a whole not isolated, independent locations. The trigger volume of 195ML in Menindee Lakes does not consider the state of the river either side of the Menindee Lakes.
 7. In the final provisions of the rules, the trading of floodplain harvesting entitlements must be prohibited and any violation must result in loss of license.
 8. Future development of diversion or water holding capacity must be prohibited.
 9. The use of historical data to assess appropriated volumes should be revisited, using the latest data as a comparison to consider any changes in climate, population and water demands from the environments and communities along the Barwon Darling.
- Yours faithfully
- [REDACTED]

161129 ANALYSIS of WILCANNIA FLOWS July 1920 to May 2016

	JULY 1920 TO JUNE 1994		JULY 1994 to MAY 2016		DECREASE IN RELIABILITY
	NUMBER OF YEARS	% OF YEARS	NUMBER OF YEARS	% OF YEARS	
<i># Financial Years</i>	74		22		
TOTAL FINANCIAL YEARS RECORDING ZERO FLOWS IN AT LEAST ONE MONTH	7	9.4%	10	45.4%	480%
	NUMBER OF MONTHS	% OF YEARS	NUMBER OF MONTHS	% OF YEARS	
<i>Total Months</i>	888		264		
<i>Months with No recorded Data</i>	16		0		
<i>TOTAL MONTHS WITH RECORDED DATA</i>	872	100%	264	100%	
TOTAL DECEMBERS WITH ZERO FLOWS	2	2.7%	6	27%	1000%
TOTAL OCTOBER, NOVEMBER, DECEMBER WITH LESS THAN 33.3ML/Day	12	5.5%	29	44%	800%
TOTAL MONTHS WITH MONTHLY TOTAL LESS THAN 30ML (less than average daily flow rate of 1 ML)	15	1.7%	36	13.6%	800%
TOTAL MONTHS with MONTHLY TOTALS LESS THAN 1000ML (Average Daily flows of less than 33.3ML/day)	30	3.4%	65	24.6%	720%
TOTAL NOVEMBER, DECEMBER, JANUARY & FEBRUARY WITH ZERO FLOWS	11	3.7%	18	20.5%	550%

23rd February 2023

Healthy Floodplain Project
Department of Planning and Environment – Water
Locked Bag 5022,
Parramatta NSW 2124
floodplain.harvesting@dpie.nsw.gov.au

DRAFT NAMOI UNREGULATED FLOODPLAIN HARVESTING 2023.

mission is to protect nature through community action. Our strengths include State-wide reach, deep local knowledge, evidence-based input to policy and planning processes, and over 65 years provide outstanding opportunities for experiencing and learning about nature through our unrivalled program of bushwalking, field surveys, bush regeneration and other outdoor activities.

To this regard the believes it is important that the NSW Government protect and sustain healthy and resilient freshwater ecosystems and their associated biodiversity (flora and fauna). This requires actions to i) protect and sustain healthy and resilient freshwater ecosystems and their associated biodiversity (flora and fauna) and that ii) Natural flows and flow regimes must be protected and managed so that riverine connectivity and associated floodplains remains healthy from the source to the sea (or from sources to naturally terminal wetlands).

Consistent with the above, the believes the draft strategy has priorities that are not consistent with the sustainable management of our water resources. Moreover native vegetation communities within the Namoi catchment are known to be generally degraded and despite being protected under the Native Vegetation Act 2003 (NSW). The endangered ecological community coolibah-black box woodland (protected under the EPBC Act) have been extensively cleared for cropping or modified by grazing. The Namoi River channel also provides important habitat for aquatic species and connectivity with the Barwon-Darling River. These assets must be protected.

A key important feature of the catchment are the anabranches which can take a considerable proportion of the flow. Water for the environment on the Namoi River is almost solely relied upon by the unregulated/ supplementary flows. Any access to these flows for irrigation pumping is significant threat to the wellbeing of these communities. Therefore the proposed plan need to be modified so that it recognises:

- priorities that support the increased access to meet the needs of regional community are not consistent with the sustainable use of the water resource, and that other mechanisms such as land use planning and development control are effective mechanisms that must be integrated to ensure sustainability.
- Minimum flows of 21 ML/d in June, 24 ML/d in July and 17 ML/d in August must be targeted at Walgett when Split Rock and Keepit dams hold more than 120 gegalitres
- there is a need to ensure no erosion of the long-term average volume of water available to the environment

Indeed the order of priorities outlined and proposed need to be changed so they are more consistent with the priorities and objects of the NSW *Water Management Act 2000*. Specifically, this would mean changing the plan so that it

- prioritizes duration of time between flow events

- provides for a natural drying cycle in channels and wetlands
- provides in-channel drought refuge for native fish species and waterbirds
- supports wetland vegetation and waterbird breeding
- improves hydrologic connectivity between river channel and floodplain
- increases hydrological variability through increased flow volumes in high flow events and freshes.

Specific Considerations.

The Namoi River system drains an area of 43,000 km² and has a length of 860 km to the Barwon River (Green and Dunkerley 1992). Downstream of Wee Waa, the Namoi River system is characterised by a complex pattern of anabranches, effluent channels, in-stream benches and small floodplain wetlands which are subject to extensive flooding. The complex morphology of the lower sections of the floodplain provides a number of ecologically significant components and must be maintained.

The proposed 85, 070-unit shares of entitlement across 53 proposed new unregulated FPH entitlements in the Upper Namoi with 300% carryover rules enables up to 255,210 ML of extraction from the Upper Namoi floodplain in any one year. This is an extraordinary amount of water gifted for private benefit.

We therefore recommend the following:

- One year account management with no carryover
- No trading should be permitted. The Namoi River system is too complex and compromised to allow FPH access to shift around the floodplain.
- There be no access to FPH until Menindee Lakes is at 450 GL and flow in the Namoi upstream of Walgett in the last 485 days has exceeded 2,250 ML/day for 5 consecutive days.
- the assessment of Floodplain harvesting entitlements in the Upper Namoi appears based on the same process as the volumetric conversion to surface water entitlements for unregulated water sources across NSW. The use of satellite imagery from 1998/99 is a very imprecise method of determining that an additional 85,070-unit shares of entitlement be granted. This is an inadequate process to determine such a large increase of entitlement in the Upper Namoi and an alternative need to be used.
- The rainfall runoff exemption is a bias measurement that favours the irrigation industry at the expense of the environment and downstream water users and should not be used. There needs to be a clear validation of how this volume was arrived at. This is because the net reduction in PEW does not meet the requirements of the Murray- Darling Basin Plan and is therefore illegal under the Water Act 2007 (C'wlth).

With this draft plan, the NSW Government has demonstrated a bias towards water supply to the irrigation industry contrary to the objects of the NSW Water Management Act 2000. A precautionary approach needs to be taken so that the proposed volumes for new entitlement are not a double dip on unregulated surface water licences granted under the volumetric conversion process.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Namoi Valley unregulated river submission feedback

Tue 28-February-2023 7:08 AM

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

Hi

I wish to demonstrate my concern around the terms of reference for the upper namoi unregulated water source legislation amendments.

1. Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and the 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.

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

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.

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"This reform is too important to get wrong".

I would like you to please acknowledge that this has been logged

Regards

[REDACTED]

Unregulated flood plain harvesting

[REDACTED]

Tue 28-February-2023 11:10 AM

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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Landholder

1. Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and the 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.

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

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?

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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.

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Across the Namoi Unregulated system there are many examples of common ownership and/or management which under current proposed rules present impractical and nonsensical situations which puts some landholders in an inequitable situation. There must be flexibility of zones and boundaries when land is continuously linked that there be provisions to use water across all that operation.

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Alternatively you can fill out the web tool form provided at https://www.industry.nsw.gov.au/__data/assets/pdf_file/0009/545967/namoi-wsp-rules-fph-fillable-form.pdf but be warned this has a limit on the length of each section response to 1000 characters, which cuts your ability to comment freely.

REMEMBER- *If you wish for your personal information to remain confidential you must clearly state so at the beginning of your submission.*

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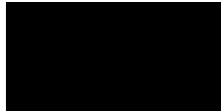
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Unregulated Floodplain Harvesting Submission

Tue 28-February-2023 1:36 PM

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

From:

Landholder, farmer & grazier, irrigator, business owner, community member
in [REDACTED]

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Regards

[REDACTED]

I am sharing 'Document (4) (1)' with you SUBMISSION ON UNREGULATED NAMOI VALLEY FLOODPLAIN HARVESTING ALLOCATION AND RULES

Robyn Bird <robynbird18@y7mail.com>

Tue 28-February-2023 3:17 PM

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

Please accept my submission on Unregulated Namoi Valley Floodplain Harvesting Allocation and Rules.

I give permission to have my name and submission published on your website.

I have attached my submission to this email.

Thank you

Yours sincerely

Robyn Bird

12 Andrew Ave

Calala

Tamworth2340

[Sent from Yahoo Mail on Android](#)

UNREGULATED NAMOI VALLEY FLOODPLAIN HARVESTING ALLOCATION AND RULES SUBMISSION

Time restraints in the preparation of the report Namoi Valley Floodplain Action Plan have resulted in insufficient information being included so that the report is incomplete.

Some of the inadequacies in the Namoi Valley Floodplain Action Plan are

1. The modelling has not been peer reviewed.
2. The impossibility of calculating flow rates when the number, location and types of illegal infrastructures is unknown. These structures must be removed so that correct data can be obtained.
3. There is no information on cultural entitlements for First Nations Peoples.

I also object to 1. Any trade in floodplain harvesting licences

2. The proposal to grant 53 new floodplain harvesting licences (85.070ML) in the unregulated Namoi River.

3. The construction or placement of structure on floodplains which is designed to divert flows.

4. The proposed 300% carryover rule for the unregulated Namoi Rivers which would result in up to 255.210ML of floodwater to be extracted in one flood season.

I object to the above because they are unjust and are incompatible with the present and future conditions of Climate Change. Australia's overall temperature now is 1.47 degrees Celsius above that in 1910 when temperatures were first recorded and the Namoi area is now considered an arid area, thus soil hydration is paramount as is the replenishment of aquifers. In these conditions irrigation methods will have to change as holding water in large dams where evaporation rates are up to 90% on hot windy days is not a viable proposition.

It is essential that amendment provisions in the water sharing plans are strengthened to allow "on time" inclusion of all new information so that plans can be promptly updated to be compatible with the changing conditions of the Anthropocene.

Robyn Bird

12 Andrew Ave Calala Tamworth 2340

28.2.2023

proposed unregulated floodplain harvesting rules submission

Tue 28-February-2023 4:07 PM

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

Dear Sir/Madam

Please find my submission to the proposed Unregulated Floodplain Harvesting Rules which close today 28/2/2023.

NAME

ADDRESS

PHONE

EMAIL

REPRESENT

individual ,local landholder/ irrigator

UNREGULATED

UNREGULATED

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Fwd: UNREGULATED FLOODPLAIN HARVESTING SUBMISSIONS DUE 28/02/2023

[REDACTED]
Tue 28-February-2023 4:47 PM

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

[REDACTED]

Irrigator

----- Forwarded message -----

From: [REDACTED]

Date: Sun, Feb 26, 2023 at 10:12 AM

Subject: UNREGULATED FLOODPLAIN HARVESTING SUBMISSIONS DUE 28/02/2023

To: [REDACTED]

[View this email in your browser](#)



Logo

UNREGULATED FLOODPLAIN HARVESTING SUBMISSIONS DUE.

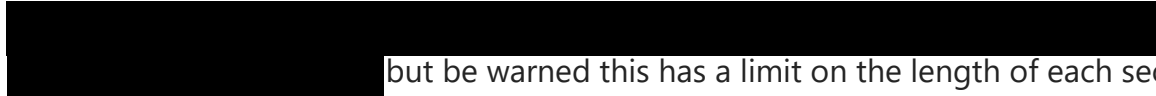
Tuesday 28 February 11:59pm is when submissions to the Unregulated Floodplain Harvesting rules close.

The below is a template response which you are free to use as you see fit. You will need to provide your name, address, phone number, email address, who you represent (individual or organisation), which stakeholder group you represent (local landholder, irrigator, business owner, community member etc).

This submission is with regard to the rules, but that doesn't mean you can't include other information, data or thoughts if you wish to.

Add further comments, or remove whatever you wish to tailor the submission to your satisfaction and then email it to floodplain.harvesting@dpie.nsw.gov.au

Alternatively you can fill out the web tool form provided at



but be warned this has a limit on the length of each section response to 1000 characters, which cuts your ability to comment freely.

REMEMBER- *If you wish for your personal information to remain confidential you must clearly state so at the beginning of your submission.*

UNREGULATED

1. Do you support the proposed account management rules of a take limit of 3 ML per unit share over 3 years and the 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.

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

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

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 license?

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 licenses?

No

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.

Throughout the Unregulated catchment overland flow must be decoupled from in stream low flow triggers.

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.

Currently trade is unable to be of genuine environmental or economic benefit due to inability to trade, despite the higher levels of connectivity in several zones, particularly the Lower Namoi which is a large, indirectly hydrologically connected unregulated catchment in which trade between water sources is supported by industry.

Currently there are zones which are unjustified and require immediate review.

Across the Namoi Unregulated system there are many examples of common ownership and/or management which under current proposed rules present impractical and nonsensical situations which puts some landholders in an inequitable situation. There must be flexibility of zones and boundaries when land is continuously linked that there be provisions to use water across all that operation.

With adequate solutions which must be affordable and practical to metering and measurement in line with Floodplain Harvesting regulations provided by government and department on a case-by-case basis these inequities could be rectified.

6. 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.

Further feedback

I am deeply angered and concerned the entire Floodplain Harvesting policy implementation is being rushed through in the Namoi catchment for short term political gain and the long-term expense of communities and water users.

Consultation has not been adequate, with submissions closing and consultation ending BEFORE the peer review process has been completed.

There are many unanswered questions and concerns regarding policy gaps and implementation which have been tabled to government and department which have not been addressed, resulting in legal uncertainty, halting of expansion and/or development, undue stress to individuals and communities along with financial uncertainty of the final costs.

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.

OTHER

Individual farm operation guides.

There is a clear requirement for individual farms to have an approved and confirmed farm operation guide developed and approved by department to ensure the complexity of all water sources, zones, works approvals, forms of take, measurement and metering requirements are defined. This will be beneficial to all stakeholders – water users, department, and regulators – to ensure legislation and rules are accommodated, understood and adhered to by all stakeholders.

There are multiple situations where water users are not being issued a Floodplain Harvesting entitlement, and existing unregulated license excludes them from accessing overland flow which inundates their farm, entering irrigation infrastructure.

This demonstrates a clear and urgent need for this to be addressed **BEFORE** policy implementation.

Consultation has not been acceptable.

December 2022 saw one webinar and one in person public meeting held to detail all Floodplain Harvesting in the Namoi post the final e-Water Source model build workshop. These two consultations were focused on the Regulated system. In February 2023 an Unregulated public meeting was held. At both public meetings questions presented prior to and tabled in the meeting were taken on notice or not responded to appropriately leaving attendees unsatisfied. Industry had requested more meetings to allow greater attendance opportunities. Such minimal consultation at a time when stakeholders in the Namoi are managing flood impacts and salvaging crops is unreasonable.

The peer review process has not been completed, so to close submissions and end consultation before an opportunity to respond to the peer review is disrespectful and arrogant to individuals and communities.

A webinar with only a written comments section for questions is an information download, not consultation.

The presentations shown at both public meetings and the webinar quoted that **"This reform is too important to delay"**.

Incorrect, it is imperative to all stakeholders this reform is not implemented until ready, I respond that-

"This reform is too important to get wrong".



Want to change how you receive these emails?



Unregulated Namoi Floodplain Harvesting allocation and rules

Anne Reeves 

Tue 28-February-2023 5:13 PM

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

Healthy Floodplain Project

Department of Planning and Environment – Water

PLEASE ACCEPT BRIEF SUBMISSION AS BELOW AND ATTACHED.

I write as an individual with many years experience in water mangement issues

I am happy to have this submission attributed to my name, subject to private contact details being withheld.

Unregulated Namoi Floodplain Harvesting allocation and rules

I suggest that these rules and any entitlements that flow from these be put on hold at this point in time.

It is shocking to me that the current NSW government would be seeking at this time in the electoral cycle to entrench a regime with a level of water take entitlement that will only compound, not resolve, the problems of river health decline and this despite its obligations under the Water Management Act.

I am aware that water plans in the NSW Murray Darling are way behind schedule but rushing through rules and entrenching generous entitlements despite well founded critique is outrageous.

For a detailed appraisal of the proposals I draw attention to the submissions of the Inland Rivers Network, of which I am a founding member. The points raised by IRN should be addressed to reflect these concerns prior to Floodplain Harvesting rules being adopted for the Namoi.

Anne Reeves OAM





28/2/2023

Anne E Reeves



Healthy Floodplain Project
Department of Planning and Environment – Water
Locked Bag 5022,
Parramatta NSW 2124
floodplain.harvesting@dpie.nsw.gov.au

Unregulated Namoi Floodplain Harvesting allocation and rules

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For a detailed appraisal of the proposals I draw attention to the submissions of the Inland Rivers Network, of which I am a founding member. The points raised by IRN should be addressed to reflect these concerns prior to Floodplain Harvesting rules being adopted for the Namoi.

Yours sincerely,

Anne E Reeves OAM.
28/2/2023

I write as an individual with many years experience in water management issues
I am happy to have this submission attributed to my name, subject to private contact details being withheld.

Submission form - Proposed rules for floodplain harvesting in the Namoi Valley

[REDACTED]
Tue 28-February-2023 9:44 PM

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

Submission form

[REDACTED]
Representing myself.

Stakeholder group: Irrigator

Proposed rules.

1. Do you support the proposed 5-year account management rules?
I support rules that reflect the seasonal nature of flooding events. Rules must allow for meaningful access at the rare times our rivers are full and spilling and water is abundant. The 3ML per unit share over 3 consecutive years rules support the productive use of water by our agricultural communities.
2. Do you support the proposed initial available water determination of 1ML per unit share
No.
Given the rules proposed are already a significant reduction access, it would not be unreasonable for accounts to start with the available water determination of 300%.
3. Do you support the proposed ongoing available water determination of 1ML per unit share?
Yes
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.
It is justified to have rules that ensure further development (and increased take) is discouraged
5. Do you support the proposed management zones?
No.
These zones appear unjustified and should be reviewed prior to implementation
6. Do you support the proposed trade rules including no trade between management zones?
No.
Trade results in the most efficient allocation of resources. Unregulated areas such as the Lower Namoi are indirectly hydrologically connected and trade between sources should be allowed.
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 Bugilbone gauge?
No.
8. Do you support the proposed amendment provisions?
No.
The current model is rejected by industry. The model requires peer review and licencing of floodplain harvesting should not be progressed until this time.
Consultation and engagement of the community should be implemented for any future decisions.
I would support an amendment that requires recalibration of an industry accepted valley-wide model using metering information collected from implementing floodplain licencing at year five or after a flood event.

OTHER

Individual farm operation guides.

There is a clear requirement for individual farms to have an approved and confirmed farm operation guide developed and approved by department to ensure the complexity of all water sources, zones, works approvals, forms of take, measurement and metering requirements are defined. This will be beneficial to all stakeholders – water users, department, and regulators – to ensure legislation and rules are accommodated, understood and adhered to by all stakeholders.

There are multiple situations where water users are not being issued a Floodplain Harvesting entitlement, and existing unregulated license excludes them from accessing overland flow which inundates their farm, entering irrigation infrastructure. This demonstrates a clear and urgent need for this to be addressed **BEFORE** policy implementation.

This process should not be rushed. It affects life blood of rural communities. This reform is too important to get wrong.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Namoi Valley Unregulated Water:

Floodplain Harvesting Licences consultation submission.

From: [REDACTED]

Address: [REDACTED]

Email: [REDACTED]

I attended the Namoi regulated FPH consultation meeting in Wee Waa on 13th December 2022. One of the outcomes from that meeting was that a consultation meeting was made available to the unregulated water users on the 7th February 2023 in Gunnedah.

The fact that the unregulated water users were not afforded a consultation meeting by default, speaks volumes in itself. There has been a deliberate attempt by the Department to keep unregulated water users in the dark throughout this whole FPH process.

There has been very little consultation and no updates on the development of the policy or regulations for unregulated users for a long time. The policy has deviated significantly from the initial consultations around 10 years ago.

I fully support that FPH is licensed and measured.

In this submission I request that the Government address the following.

1. No modelling of long term average annual extraction for the unregulated systems has been developed or presented.
2. The "sleight of hand" stating that existing unregulated licence holders have used their unregulated entitlements to access FPH, whilst the licence conditions clearly state that this cannot be the case.
3. The discrepancy between existing unregulated entitlement holders and potential FPH entitlement holders. Example. Current water sharing rules for unregulated access and carryover rules are not the same as the proposed FPH rules. The measurement requirements for unregulated users, taking overland flow is far more onerous and impossible to implement and accurately measure under the current proposed laws. Why should unregulated entitlement holders have to spend \$100,000's more than a FPH entitlement holder to measure take for the exact same water?
4. The admission and willingness of the Department to knowingly issue FPH entitlements somewhere in excess of 80% of the allowable extraction under the MDBA CAP. This cannot happen. This creates unnecessary anxiety, uncertainty and destroys confidence within our rural communities.
5. The unrealistic time frame set out for all measurement devices to be installed. I fully support accurate measurement of all water take, I am also realistic. Currently we are all supposed to all have AS4747 meters on our groundwater pumps. The rush to get this rolled out has been nothing short of disastrous. Meters that haven't proved themselves in the Australian conditions failing, battery life lasting 20% of what was expected and the unavailability of DQP's to install and validate. The shortage of DQP's has been exacerbated by the failing of meters and having to be re validated. I am told

that because of a change to the validation process it is now requiring DQP's to spend up to 4 hours in front of a computer validating a meter. This is total nonsense! My DQP has told me he is giving away the water meter job as it is a nightmare to deal with the Government agency. He also stated that most DQP's that he knows are of the same opinion. The notion of a rushed rollout of storage meters will result in failed products costing both the licence holder and the installer significant time and money. Why is the Department not listening to our concerns. Is it because it doesn't cost anyone in metering a single cent and it is costing us \$100,000's for failing meters and they don't give a stuff!

6. I reject the total FPH licensing in it's current form. It is ill thought out with many inequities and staff seem to be making up rules on the run without any thought of the implications of individual irrigators. It beggars belief that the oldest off creek storage dam in the Coxs Creek valley built in 1982 for the specific purpose of harvesting overland flow is not eligible for a FPH licence. This is obviously not achieving the objective that it originally was intended to do or at least what it was portrayed to do.



[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

Comments on the Revised Namoi Valley Flood Plain Harvesting Rules

If this is a plan to bring some order to flood plain harvesting and ensure that some water actually is returned to Namoi River for the environment and for towns and users downstream it is obviously a going to be a failure. It is a plan written for irrigators who are going to be sole beneficiaries. Predicted environmental outputs are almost negligible in all breakout zones. If the environment gets no benefit from the revised flood plain harvesting plan what is the point in having the revised plan? This suggests that a greater focus on improving floodplain flows in these areas may be required in the future or that modelled return flows need to be incorporated into the river system models to detect impacts in these breakout zones.

[Redacted]

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From: [REDACTED]

Address: [REDACTED]

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[Redacted]

- [Redacted]
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[Redacted]



To: The NSW Department of Planning and Environment
Delivered to floodplain.harvesting@dpie.nsw.gov.au

29 January 2023

Submission to NSW Floodplain Harvesting licence rules in the water sharing plan for the regulated river water sources in the Namoi Valley

Please find attached the submission of the  which gives feedback regarding the NSW Government's management of Floodplain Harvesting and its proposed licencing of regulated river sources in the Namoi valley.

What occurs to the Ngamaay (Namoi River), its sources and the Ngamaay valley supported by them is of vital concern to 

The  has no confidence that your department is acting for communities that are affected by these plans, and in the national interest. These plans must be stopped.

Sincerely





Floodplain Harvesting licence rules in the water sharing plan for the regulated river water sources in the Namoi Valley



Photo taken September 2019 of the dry Namoi River at Walgett's then intake pump for its drinking water. The result of poor water management that allowed Floodplain Harvesting upstream of Walgett. Walgett residents continue to see and live the impacts of over extractions from Floodplain Harvesting today.

Submission from



29 January 2023



[REDACTED]

[REDACTED] is an association of [REDACTED] who live in Walgett, a river town of about 2,100 people, the majority Aboriginal. Walgett is where the Baawan (Barwon) and Ngamaay (Namoi) Rivers meet, upstream of the town of Bourke. Walgett is in Gamilaraay Country, close to the borders of Ngiyambaa and Wayilwan Countries, and is now home to Gamilaraay, Yuwaalaraay, Ngiyambaa and Wayilwan Aboriginal Nations, as well other Aboriginal and non-Aboriginal people.

Rivers have always been, and remain central, to Walgett culture and life. Rivers provide drinking water and food (particularly regular fish meals), healing activities, water for birds and animals, gardens and food security. For Aboriginal people the health of the river and the health of people come first.

In recent times Walgett's Aboriginal community has suffered from drought, climate change and the river drying up. The lack of water and food security is of great concern to Elders. It's our belief that Walgett's current situation is due to the way water is managed, and that irrigators upstream of Walgett have been favoured, over people downstream. It is a failure of a system that is required by law to manage the rivers in the interests of all Australians.

Introduction

A frustration sometimes heard expressed by members of the northern NSW irrigation industry and officers of the NSW water agency is that “‘they” want floodplain harvesting regulated but won't let the government regulate it.’

This is a misleading, and maybe deliberate, misrepresentation of the position of a large part of the NSW community and the NSW Parliament. It shows that the Department has not listened to, or has not understood, the objections to this process.

Communities want floodplain harvesting regulated. **Legalising the take of water from floodplains, as proposed, is not regulation.**

[REDACTED] has no confidence in the Government's willingness or capacity to properly regulate floodplain harvesting.

Namoi regulated floodplain harvesting licences

Matters of concern to DEG include:

- that the volume licensed is too high,
- that accounts will be able to hold five times the megalitre value of the licence at any time,
- trade of licences,
- inadequate flow targets: the volume at Menindee is too low and consequently so is the flow threshold at Bugilbone gauge,
- unreliability and inaccuracy of the numbers used and produced by the hydrological models,
- an inadequate environmental outcomes report,
- damage to cultural and environmental values of Country,
- damage to Culture – our way of life and wellbeing.

██████████ has no confidence that the Department will be able to, or intends to, regulate floodplain harvesting to prevent growth in use.

The Department has modelled that issuing licences for 54,750 megalitres will result in long-term average annual use of about 46,000 megalitres. It is difficult to credit this when take in any year can be five times 54,750 megalitres (273,750 megalitres). Also the Department does not explain why licences are not being issued to the value of the long-term average annual take of 46,000 megalitres (if that's what they are modelling).

The Department's figures in [its floodplain harvesting report](#)¹ show that, since 1994:

- maximum general security planted area has increased from 44,000 to 97,258 hectares,
- pump capacity has increased from 9,103 to 12,691 megalitres per day,
- on-farm storage capacity has increased from 120,433 to 218,245 megalitres,
- annual average extractions have decreased from 270,000 to 238,200 megalitres.

It is implausible, even using the most generous efficiency figures, that planted area, and pump and on-farm storage capacity, have increased so much, yet average take has decreased.

The Department claims that the NSW Government's Floodplain Harvesting Action Plan will improve models *to better represent return flows from the floodplain to the rivers and to use this...to further improve downstream outcomes*.

The Department says that this is unlikely to be completed by 2025, if then. It is fanciful to imagine that any improvements to rivers downstream will follow from this process.

Acknowledgement of Country

The Department's document *Namoi: Floodplain harvesting in water sharing plans Report to assist community consultation November 2022* contains an 'Acknowledgement of Country' on page 2:

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

"This is an insult to us when they are responsible for killing our rivers and other waterways of the floodplain – our lifeblood, Country and culture" ². It is a cynical use of an Acknowledgment of Country. The Department and the NSW Government have given no consideration to the views of ██████████, despite its long participation in and commitment to this process. It is shocking that the Department can print this with no shame when its actions licensing floodplain harvesting are so damaging to the health, culture and prospects of communities downstream.

Environmental outcomes report

The hydrology and environmental models used for the predictions in the environmental outcomes report cannot have little relationship with the rivers. In the assumptions and limitations section on page 35 of the report the Department makes this explicit.

¹ https://www.industry.nsw.gov.au/__data/assets/pdf_file/0006/545910/model-scenarios-report.pdf

² ██████████ 29 January 2023.

...the results presented here are modelled, and therefore provide only an indication of possible changes once the policy is implemented...all interpretations in this report are high level predicted changes based on modelled hydrological scenarios and should be treated...not as a measure of actual outcomes...in the future. A range of factors may inhibit modelled and predicted outcomes becoming observed outcomes.

The department's models predict improvement. The Walgett community's observations, supported by scientific research, show evidence of a catastrophic ecological collapse downstream.

The health of the river:

The NSW Government is pushing ahead with its plan in the face of evidence that, despite three wet years and very high flows, the health of the rivers is as bad as it has ever been. Some recent reports demonstrate this.

There is currently an amber [blue-green algal alert at Walgett](#)³. A Commonwealth Environmental Water Office monitoring program has found that [Murray cod are believed to have disappeared from sections of Darling River \(msn.com\)](#)⁴. Dr Stuart Rowland has said that the Darling River snail and the trout cod had already gone extinct and the Murray-Darling river system was "no longer the stronghold of Murray cod." ([Darling River ecology 'extinct' and Murray Cod is 'in real trouble', warns expert Dr Stuart Rowland - ABC News](#))⁵.

Connectivity

Many people are concerned about the impact that floodplain harvesting has on downstream rivers.

The Department states that:

Licensing floodplain harvesting...will improve connectivity outcomes...through the application of water sharing plan rules and...by increasing the amount of water returning from the floodplain into the river.

The Department is running another process discussing connectivity in the Northern Basin. Part of these discussions is the relative contributions to the Barwon-Darling from its tributaries. In six different sets of figures produced by the NSW Water Department and the Murray-Darling Basin Authority there is no consistency in these values.

For example:

River	Range of assessed contribution to the Barwon-Darling
Warrego – Paroo	2.1 to 20 percent

³<https://www.aisnsw.edu.au/Course%20and%20Conference%20Materials/Far%20West%20RACC%20BGA%20Report%202022-03-09.pdf>

⁴ <https://www.msn.com/en-au/news/australia/murray-cod-believed-to-have-disappeared-from-sections-of-darling-river/ar-AA16oiuZ>

⁵ <https://www.abc.net.au/news/2021-03-13/dr-stuart-rowland-darling-ecology-extinct-murray-cod-at-risk/13238454#:~:text=Dr%20Rowland%20said%20the%20Darling%20River%20snail%20and,at%20Menindee%20in%20January%2C%202019%2C%20stunned%20the%20nation.>

Moonie	2.6 to 12 percent
Border Rivers	18.5 to 35 percent
Gwydir	6.3 to 10 percent
Namoi	15 to 28 percent
Macquarie, Bogan, Castlereagh	5 to 27 percent

These figures are never properly explained. The Department's numbers, that it relies upon so heavily, cannot be trusted. From this has grown a deep and abiding mistrust of the Department itself.

Cultural watering plans project

A Department email (Water News - January 2023) states that the Department has a Cultural watering plan project to

...outline how Aboriginal communities want to use their water rights to achieve cultural outcomes using water management language...identify opportunities for greater Aboriginal access and ownership of water, and...make it easier to navigate the licensing framework to access and use water for cultural purposes.

An Aboriginal artwork of the Murray Cod in the middle. The artwork has blue, red and orange colours with traditional patterns.

In the context of the distribution of floodplain harvesting licences to irrigators upstream, and the continuing dispossession of Aboriginal people, this insult is close to abuse, of people, and Country.

Conclusion

The condition of the river affects every part of life in the Walgett community. It affects water quality, drinking water, food security, social cohesion and wellbeing. Because it is so important to us, [REDACTED] has participated in the Department's processes for years, in good faith, despite the evidence that no benefits come from it. [REDACTED] **does not agree with, and does not want, floodplain harvesting. Irrigation on the scale of that in the Northern Basin is not compatible with healthy flowing rivers.**

You have not ever come to us as Aboriginal people to ask us sincerely how we would manage the rivers. When we tell you we are ignored. We have no confidence in the Department's words, its numbers, or its processes. We have no confidence in its willingness or capacity to regulate floodplain harvesting. We have no confidence in its claims that the health of the rivers will improve.

We are angry that this water can be taken from so many for the benefit of so few to make them rich. The NSW Government is issuing valuable financial products based on numbers that have no credibility. In doing this the NSW government serves only the interests of a small number of cotton growers, at the expense of the rest of the community.