



BN20/3807

The Hon. Mick Veitch, MLC
Chair, Regulation Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Chair

Response to the Regulation Committee

Thank you for your letter of 8 July 2020 (D20/30061) to my Executive Officer Russell Johnston and the additional questions subsequently received from the Regulation Committee (Committee) pursuant to the Inquiry into the impact and implementation of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020.

I have attached NRAR's response to the Committee. I note that our response was originally requested by 22 July. My Executive Officer contacted the Committee Secretariat on 22 July to arrange for the delivery of our response by 24 July.

I have asked that Mr. Graeme White, NRAR Director Water Regulation (East) be available should you need additional information or wish to discuss this matter further. Mr White can be contacted on

Yours sincerely

Grant Barnes
Chief Regulatory Officer
Natural Resources Access Regulator
23 July 2020

Encl. Attachment A – Responses to the Committee



ATTACHMENT A

NRAR's Responses to Questions from the Committee – 8 July 2020 (D20/30061)

1.
Yes

1a.
The exemption was part of the NSW Government 2013 Floodplain Harvesting Policy, NRAR commenced operations on 30 April 2018.

NRAR staff participate in a weekly interdepartmental committee that discusses the need and application of s324 temporary restrictions. NRAR was advised formally on 3 February 2020 of the intent of the temporary restriction (under s324) and the implementation of the exemption.

1b.
The Regulation provided much needed clarity to water users on floodplain harvesting activities permissible under the *Water Management Act 2000*.

NRAR had two major functions during the s.324 event. One was to respond to reports of suspicious activity received from the public. The second was to engage in proactive, intelligence-led operations to monitor rates of voluntary compliance with the Regulations and the order, and to take action where non-compliance was suspected.

NRAR's Responses to additional questions from the Committee

1.
The Regulation provided much needed clarity to water users on floodplain harvesting activities permissible under the *Water Management Act 2000*.

2.
No.

3.
DPIE Water drafted and implemented the exemption. NRAR was consulted as part of this process.

4.
I am advised that DPIE Water undertook the task of estimating water take during the event. NRAR collaborated on sourcing and analysing remote sensing material.

4a.
NRAR did not provide any advice to the Minister or DPIE regarding the volume of take.



5.

NRAR staff undertook a flight on 11 February 2020 to observe the s.324 event from the air. The flight had two primary purposes, the first was to physically observe how the water was moving through these water sheds, the second was to monitor rates of voluntary compliance. The staff were also asked to look for any infrastructure damage.

5a.

NRAR staff advised DPIE Water colleagues on 11 February 2020 that there was limited infrastructure damage observed during the flight. Some damage to channels and roads observed.

6.

Yes.

6a.

28. A report will be made public once the investigations are finalised.