

**Submission
No 53**

INQUIRY INTO FLOODPLAIN HARVESTING

Organisation: Narrabri Shire Council

Date Received: 13 August 2021

Our Reference:

Your Reference:

Contact Name:

Cate Faehrmann MLC
Chair, Select Committee on Floodplain Harvesting
Upper House Committees | Legislative Council | Parliament of New South Wales

Emailed: floodplainharvesting@parliament.nsw.gov.au

Tuesday 10th August

RE: NSW LEGISLATIVE COUNCIL INQUIRY INTO FLOODPLAIN HARVESTING

Dear Ms Faehrmann,

Thank you for the opportunity to comment in response to the abovementioned inquiry. It is understood that the terms of reference for this inquiry are as follows;

1. That a select committee be established to inquire into and report on the Government's management of floodplain harvesting, including:
 - (a) the legality of floodplain harvesting practices,
 - (b) the water regulations published on 30 April 2021
 - (c) how floodplain harvesting can be licensed, regulated, metered and monitored so that it is sustainable and meets the objectives of the Water Management Act 2000 and the Murray- Darling Basin Plan and,
 - (d) any other related matter.

Please find following Council's comments on these matters;

- Although it can be assumed that the property owners are responsible for both storing and discharging of water on their property, a clear understanding of who is responsible for the management and policing of this practice needs to be determined. This is not something that can be handed back to Local Government to manage and needs a specific State Government department (e.g. DPIE, NRAR) to undertake investigations when required. Once this has been determined, guidelines need to be issued to Councils providing a reliable pathway when issues are reported.
- Water harvesting generally requires property owners to construct large water storage basins and diversion channels. Council approval is not required for these types of works to occur (similar to a DA), and damage caused to Council's infrastructure as a result of these works are only apparent during large flood events. This results in the property owner not being liable for this damage and Council is left to fund the repairs.



NARRABRI SHIRE
DISCOVER THE POTENTIAL



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- In 2007 a Council policy was adopted to help regulate Control Works on a Floodplain (refer attached). It would be beneficial if some of these policy items could be incorporated into State policy (if applicable).
- Further to the above, the main outcome for Council should be that property owners undertaking floodplain harvesting provide the Local Council with written indemnity covering Council against any actions, suits, claims, and damage to both public and private property as the result of the works being carried out. Recently, Narrabri Shire has seen multiple public roads being extensively damaged due to an increase in overland flows. These roads have not been subject to this level of damage caused by water flowing across the road in the past, and it appears that many of these incidents are a direct result of topographical changes due to earthworks being conducted. Unfortunately, the damage is viewed as "flood damage" which is not entirely correct as the flows coming off the properties have an increased volume and velocity which is typically the direct result of upstream changes.

Council expects that the inquiry will be carried out pursuant to all applicable legislative requirements and that these comments will be considered in the review.

If you require any further information, or wish to discuss these matters further, please contact _____ and _____ in the first instance on _____

Kind Regards,

Stewart Todd
General Manager



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