

## INQUIRY INTO FLOODPLAIN HARVESTING

**Name:** Name suppressed

**Date Received:** 13 August 2021

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Partially  
Confidential

Friday 13<sup>th</sup> August 2021

Chair, NSW Legislative Council Select Committee

Inquiry into Floodplain Harvesting

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Lodged online

**Re: Submission into Inquiry into Floodplain Harvesting**

Dear Chair,

We are irrigators in the Upper Namoi Valley in North West NSW who are considered an eligible floodplain harvester in the Gwydir

We support the need to regulate floodplain harvesting, and it's not necessarily because we want it, but because it will allow Government to manage this form of water like everything else and it would help to prove to people we only use our small share when we can, everyone else including the environment get theirs too.

We are really frustrated that other water rights are being impacted because NSW Parliament rejected rules to licence, manage and meter floodplain harvesting in May 2021. We need a clear set of rules so what has been happening historically can continue with all the accountability and most of all clarity. Nobody including us want to be called a thief for capturing rainfall that falls on our farm and without clear rules we are left with unfounded accusations. There is evidence to support floodplain harvesting as an historical, legal form of take.

We have worked with this process since 2013, and registered by expression of interest.

In the last 8 years

- Our family farm details were checked, including my existing approvals to ensure I meet the eligibility criteria.
- We completed an irrigator behaviour questionnaire which included personal farm information dating back to 1993 and 10-years of model calibration data, including estimated volumes of take and cropping records.
- We have opened our farm to multiple inspections by project staff and by NRAR to inspect, map and record all my farm infrastructure.
- Our farm has been surveyed by LiDAR to measure my storages and levees. This was cross checked against my own on-ground surveys at my own cost.
- Our farm has been checked by aerial photographs and satellites for changes in infrastructure as well as cropping records at each of the key dates.
- We have received my individual farm water balance produced from the model, I provided detailed submission on this again using data to help calibrate the model.
- We were provided draft entitlements
- We provided a submission into our draft entitlements and received a determination

Eligible floodplain harvesters have been scrutinised, recorded and measured in the five-northern valleys in and more detail than any other model in NSW or the Murray Darling Basin and would have come at considerable cost to the Government but also a real personal cost to ourselves. We have engaged contractors for specific farm measurements and advice and put considerable time into the entire process including on farm visits. The time and money spent and invested in the process should not be overlooked and have been for no benefit to all involved.

All major water take for irrigation should be licenced, metered, and reported to government and our community and obviously must include floodplain harvesting where it occurs. As an irrigator, I fully respect that the volume of water available to me must be within legal limits. But in May 2021, NSW Legislative Council rejected the proposal by Government to restrict, licence and meter floodplain harvesting which would ensure I could operate within those limits.

We support in principle rules which ensure future access remains within long-term legal limits but balances the highly variable nature of overland flows in which only occur when our rivers are full and spilling and water is most abundant. Using averages in this way must allow for peak use at these rare times when we are in flood, to provide our region and its economy the opportunity to access water to store it for future use, when it is most abundant.

An accounting approach in this manner provides our community and the industry certainty around water available for irrigation at times but ensures overall limits can be achieved in the long-term. This is the approach the NSW Government has proposed in our region, with 5-year accounting and carryover provisions. However, until such time that regulations can be written and NSW Parliament doesn't disallow them, the discussion about accounting rules, metering requirements and overall volumes is academic.

Licensing of floodplain harvesting with the regulation of rainfall runoff, ensure consistency of policy across NSW. Because of the way the Water Management Act is written, to continue to operate my farm as I have historically, even if I don't intercept flood water, I can be called a floodplain harvester when I capture rainfall runoff. To be clear – I am required by a condition on my work approval for the land to not allow water from within my development to leave my farm. The rainfall runoff regulation meant that I could continue to operate my farm as designed for best practice, to meet these largely environmental obligations.

I am an irrigator who has expertly designed, and precision developed irrigated land, which, captures my excess irrigation water and rainfall runoff within my farm to avoid releasing potentially contaminated water back into our rivers. The rainfall runoff regulation would have enabled me to continue that historical practice and provide legal clarity and consistent around NSW for this activity, which is a requirement of my work approvals.

However, as an eligible floodplain harvester, the exemption would not apply all the time. The exemption does not apply when I would take floodwater under my licence, at this time, all water taken at this time would be considered floodplain harvesting. This ensures an ease of accounting and measurement against my floodplain harvesting licence.

It's a logical and simple solution, licence, reduce and meter those who floodplain harvest. Plus enabling those who don't, to irrigate as they have historically. This restores equity around NSW, ensures all major forms of water take is metered and accounted for.

With so much time and money being invested, more than any other water reform it's now time to do the right thing

