

# Floodplain harvesting licensing & measurement framework

## Landholder workshop: Gwydir/Border Rivers

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NSW Department of Planning & Environment – Water  
WaterNSW  
Natural Resources Access Regulator

2 August 2022

# Today's agenda

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## 9:30am

- Workshop open, introductions and Welcome to Country

## 9:40am

- Initial joint agency presentation and Q&A session

## 10:40am

- Focus session #1: Measurement methods and metering equipment

## 11:20am

- Morning tea break

## 11:30am

- Focus session #2: Nominating your measurement period

## 12:10pm

- Focus session #3: Approvals, dealings and billings

## 12:40pm

- Final Q&A session

## 1pm

- Workshop review and wrap-up

## 1:15pm

- Workshop close and lunch



# Welcome to Country




# Presentation outline

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1. Introduction and update on FPH licensing and measurement framework (DPE Water)
2. Overview of FPH function implementation (WaterNSW)
  - Licensing and approvals
  - Billing
  - Measurement systems
3. Overview of approach to FPH rule compliance (NRAR)
4. Question and answer session





# Introduction and floodplain harvesting framework update

# 1

# Introduction

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- Floodplain harvesting (FPH) licensing and measurement framework will commence in Border Rivers and Gwydir valleys on or before 1 September 2022.
- Agencies have been, and continue to work together to finalise and implement the framework.
  - DPE Water
    - develop and set FPH rules
    - assess, grant, issue FPH licences and approvals
  - WaterNSW
    - implement FPH rules – licences, approvals, billing, measurement systems
  - NRAR
    - FPH rule compliance



# Today's purpose

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- Share knowledge with you on the licensing and measurement framework.
- Opportunity to understand what the licensing and measurement framework means for you, expectations on compliance, and process requirements for amending water supply works approvals and dealings.
- Opportunity to ask agency staff questions on floodplain harvesting licensing and measurement requirements.
- Opportunity to highlight where you believe that follow up is required to provide additional clarity on your obligations.



# Update on framework commencement

## FPH water regulation amendments

- Effective 1 July
- Set-out determination process for FPH licences
- Establish measurement requirements for FPH licences
- Tailwater exemption

## FPH water sharing plan rules

- Effective 29 July for Border Rivers, Gwydir, Macquarie valleys
- WSP amendments cover FPH licensing, approval and measurement conditions not covered in the Regs


## FPH licence and approval packages

- Will be sent to landholders by 15 August
- Approvals: Statement of Approval, Notice of Determination, Water Infrastructure Plans
- Licence: Statement of Conditions
- FPH metering and measurement fact sheets

## FPH licensing and measurement framework

- Commencing on or before 1 September for Border Rivers and Gwydir
- First water allocations made to Border Rivers and Gwydir FPH accounts





# WaterNSW: Floodplain harvesting function implementation

# 2

# WaterNSW role in FPH implementation

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- WaterNSW are responsible for implementing floodplain harvesting rules developed and set by DPE Water.
- We have and continue to work with DPE Water to seamlessly transition FPH licensing, approval and measurement functions to our agency.



# WaterNSW role in FPH implementation

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1. **Water supply work approvals** – responsible for undertaking FPH approval amendments and charging associated fees
2. **Water access licences** – responsible for FPH licence **dealings** and charging associated fees
3. **Billings** – responsible for charging NSW Independent Pricing and Regulatory Tribunal determined FPH fees
4. **Measurement** – responsible for developing and maintaining landholder measurement systems

**Today's focus sessions #2 and #3 will provide further information on measurement, approval, dealing and billing responsibilities of WaterNSW.**

# NRAR: floodplain harvesting rule compliance

# 3

## NRAR approach to floodplain harvesting compliance

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All water taken in New South Wales must be done in accordance with a water access licence, works/use approval, exemption or basic landholder right.

Water users without licences to floodplain harvest can't capture and store water from the floodplains.

# Our compliance monitoring approach

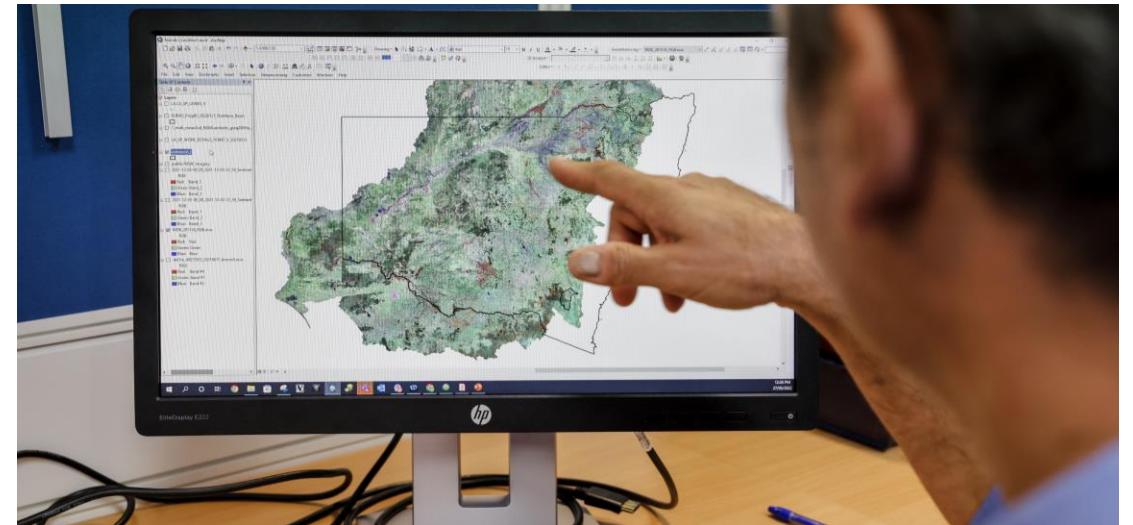
## Licensed floodplain harvesting



These licences will afford water users the right to capture and store water as it flows across the floodplain but, they will also come with significant obligations.

We will conduct desktop and property inspections with water users to ensure water is only taken in accordance with their licence and is appropriately recorded.

## Unlicensed/unlawful floodplain harvesting



All water taken in NSW must be done in accordance with the conditions of an access licence, works/use approval, exemption, or basic landholder right.

We will use satellites and other monitoring techniques to identify water users who are capturing water from the floodplains without a licence. Depending on a few key factors, these water users may be subject to enforcement action.

# How we use technology to monitor floodplain harvesting

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# Our compliance enforcement approach



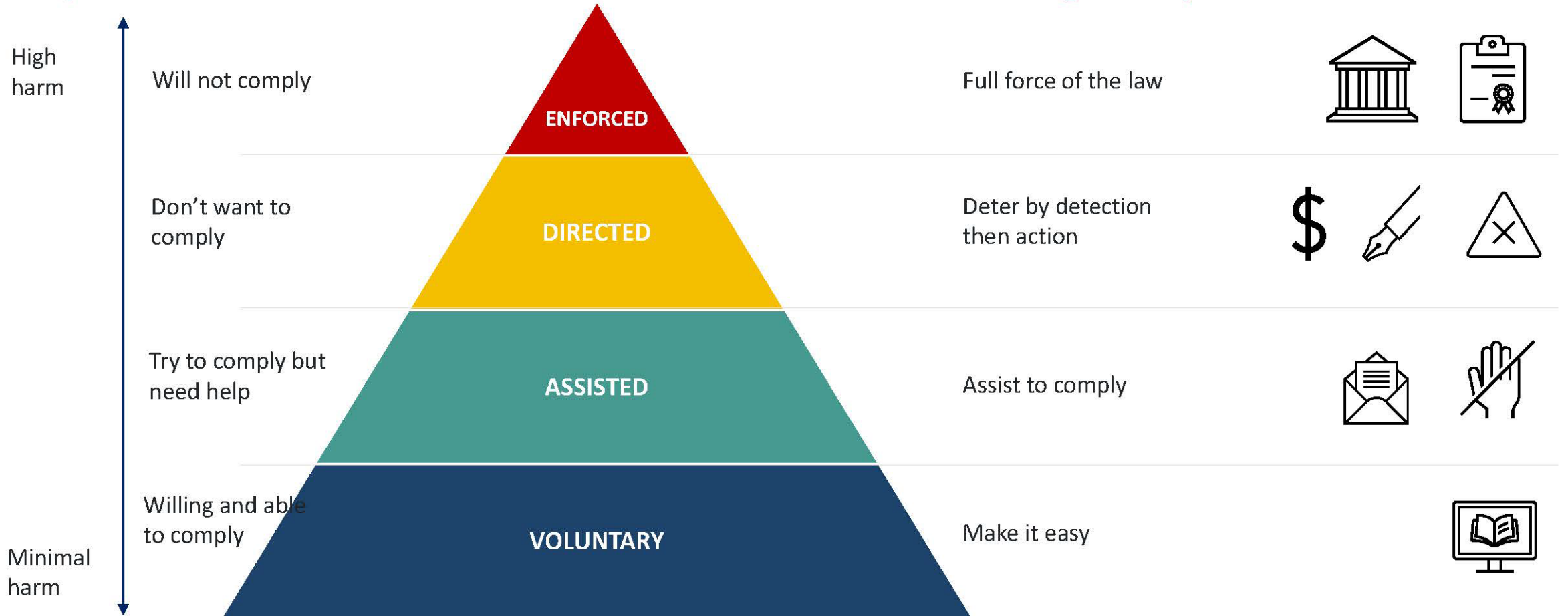
- Unlawful floodplain harvesting will be assessed on a case-by-case basis. We will consider:
  - **the water take** – we will look at the volume of the water taken.
  - **Licences/entitlements** – we will confirm whether the user has a licence to take the water and will also consider whether they've applied for a floodplain harvesting licence and associated approvals.
  - **the flood work or water supply work** - the legal status of the flood work or water supply work that was used to capture and store the water.
  - **regulatory discretion** – as always, we will also consider the harm or potential harm caused, the culpability of the offender as well as their compliance history and attitude to the offence.



# What will happen to those who break the rules?

## Impact / Attitude

## Our regulatory tools



Actions at the top of the pyramid support actions at the bottom by clarifying expectations and demonstrating that those who don't comply will be held to account.

# Question and answer session

# 4

Read me: FPH FAQs <https://www.industry.nsw.gov.au/water/plans-programs/healthy-floodplains-project/faqs>

Floodplain harvesting licensing & measurement framework: Gwydir