

Floodplain harvesting licensing & measurement framework

Landholder workshop: Warren – Macquarie

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

23 February 2023

Today's agenda

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



Outline for this presentation

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

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Introduction

- Floodplain harvesting (FPH) licensing and measurement framework will commence in the Macquarie valley on 1 March 2023.
- Agencies continue to work together to finalise and implement the framework.
 - DPE Water
 - develop and set FPH rules
 - assess, grant, and issue FPH licences and approvals
 - WaterNSW
 - implement FPH rules – licences, approvals, billing, measurement systems
 - NRAR
 - FPH rule compliance



Today's purpose

- 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

- Establish measurement requirements for FPH licences (1 July)
- Tailwater exemption (1 July 22)
- Set-out determination process for FPH licences (1 July 22 + 3 Feb 23)

FPH water sharing plan rules


- Effective 29 July 22 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 before 28 Feb 2023
- 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 1 March for Macquarie
- First water allocations made to Macquarie FPH accounts



WaterNSW: Floodplain harvesting function implementation

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WaterNSW role in FPH implementation

- 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

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



NRAR: floodplain harvesting rule compliance

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NRAR approach to floodplain harvesting compliance

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

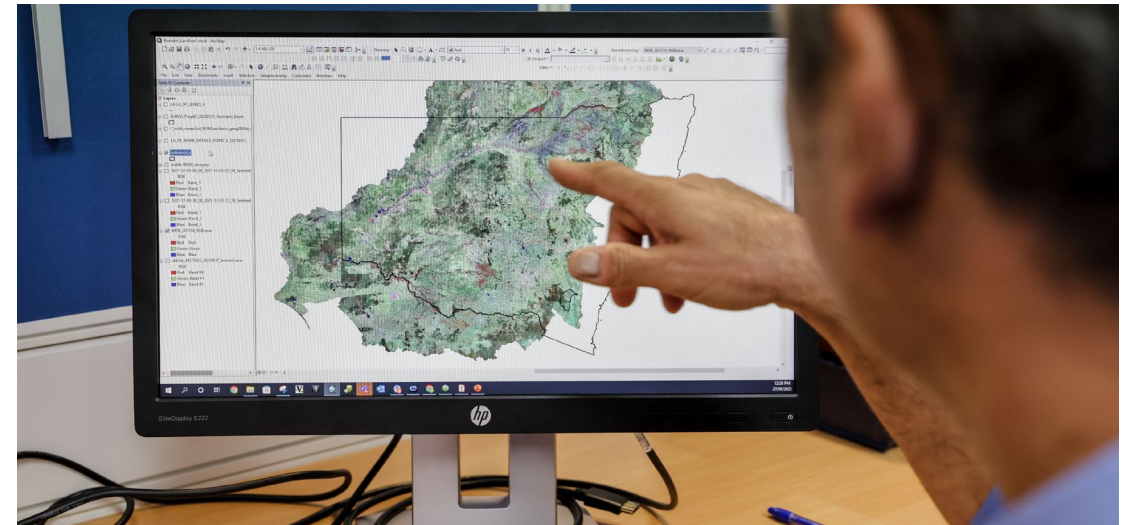
Licensed floodplain harvesting



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



Our compliance enforcement approach

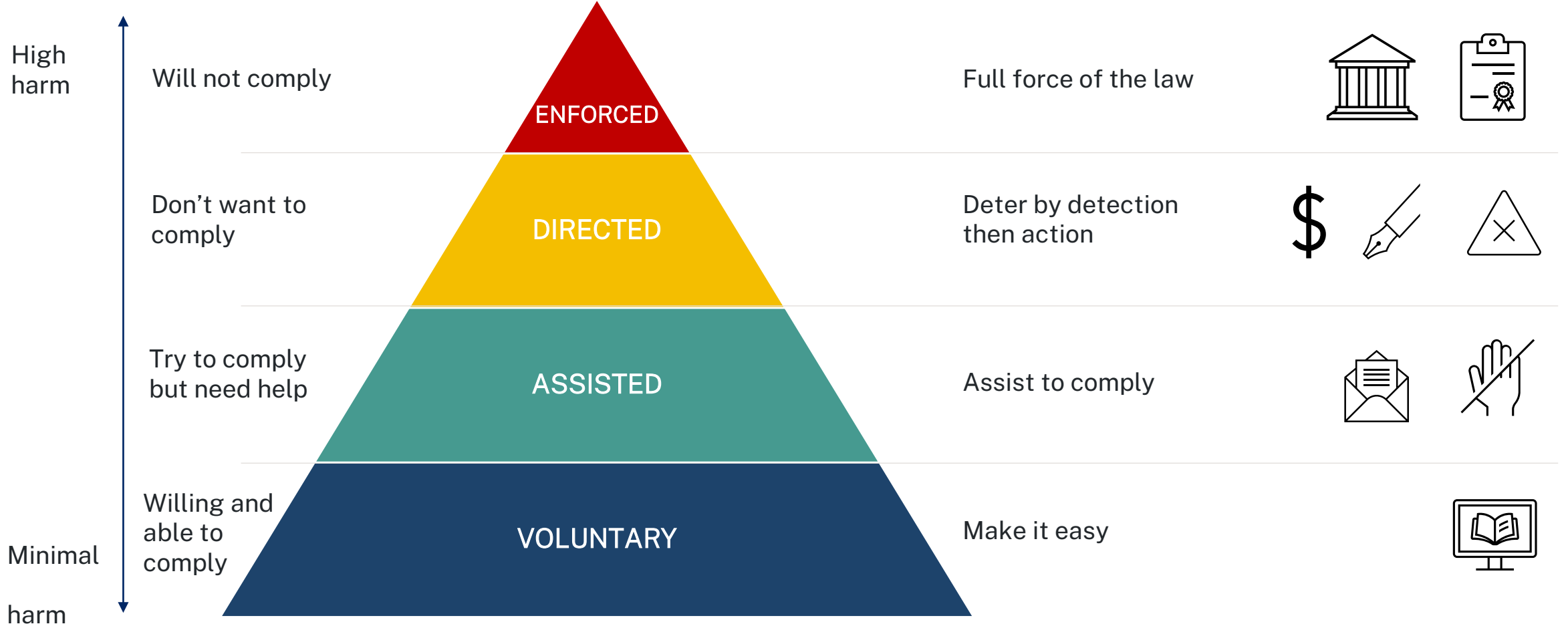


- Unlawful floodplain harvesting will be assessed on a case-by-case basis. We will consider:
 - **the water take** – we will look at the volume of the water taken.
 - **Licences/entitlements** – we will confirm whether the user has a licence to take the water and will also consider whether they’ve applied 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

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

Floodplain harvesting licensing & measurement framework: Macquarie