

Floodplain harvesting in the NSW Border Rivers

This document summarises the intent of rules established for floodplain harvesting in the NSW Border Rivers Valley.

NSW Border Rivers Regulated River Water Source

Rule	Intent
Share components	A total of 51,742 unit shares are being issued in the water source for floodplain harvesting (regulated river) access licences (There are approx. 263,000 unit shares for regulated river (general security A and B class) and 120,000 unit shares for supplementary).
Calculation of the long-term average annual extraction limit	Calculated as the level of floodplain harvesting that existed in the 2001–2002 water year for the water source, excluding exempt rainfall run-off (tailwater drain exemption under clause 39B and schedule 4 (clause 17C) of the <i>Water Management (General) Regulation 2018</i>).
Compliance with the extraction limit (LTAAEL or SDL)	Allocations reduced for floodplain harvesting (regulated river) access licences if growth above the extraction limit is attributed to those licences. All other growth is managed through reduced allocations to supplementary water access licences (until they reach zero) then reduced allocations for regulated river (general security A and B class).
Initial allocation of 1 ML per unit share	The first allocation that floodplain harvesting (regulated river) access licences will receive is 1 ML per unit share (i.e., full allocation)
Ongoing allocation of 1 ML per unit share	Allocations credited at the beginning of each water year after the initial allocation will be not greater than 1 ML per unit share but can be less if required to respond to growth above the extraction limit.
Rules for water supply work approvals to be nominated by a floodplain harvesting (regulated river) access licence - granting	No new works: <ul style="list-style-type: none"> located in management zone A or D, as established in the <i>Floodplain Management Plan for the Border Rivers Valley Floodplain 2020</i> located outside the Border Rivers Valley Floodplain as shown in schedule 6 of the <i>Water Management Act 2000</i>.

Rule	Intent
<p>Rules for water supply work approvals nominated by a floodplain harvesting (regulated river) access licence - amending</p>	<p>Amendment of approval not permitted:</p> <ul style="list-style-type: none"> to add a work that is located outside the Border Rivers Valley Floodplain to add a work that is located in management zone A or D adding a work would increase the capability of existing works to take water from management zone A or D (except where the additional work was previously nominated by a floodplain harvesting [regulated river] access licence).
<p>Rules for water supply work approvals nominated by a floodplain harvesting (regulated river) access licence – transitional exemption</p>	<p>Amending rules do not apply to the amendment of approvals:</p> <ul style="list-style-type: none"> lodged prior to 31 December 2022 for works constructed on or before 12 February 2021 if also a flood work, subject to a flood work approval.
<p>Account debiting</p>	<p>Volume of water extracted during a nominated measurement period to be debited from the allocation account.</p>
<p>Account limit of 5 ML per unit share</p>	<p>The allocation account for floodplain harvesting (regulated river) access licences cannot exceed 5 ML per unit share at any time. Any unused allocation can be carried over from one water year to the next, subject to the account limit not being exceeded.</p>
<p>Access rules</p>	<p>Take not permitted under a floodplain harvesting (regulated river) access licence when there is less than 195 GL in the Menindee Lakes system (as defined in the Murray-Darling Basin Agreement).</p> <p>Rule ceases to apply during periods when there is a flow of at least 3,000 ML/day in the Barwon River at the Mungindi gauge (416001) forecast to occur.</p>
<p>Temporary trade (section 71T)</p>	<p>No trade of allocation under section 71T of the <i>Water Management Act 2000</i>, consistent with the NSW Floodplain Harvesting Policy.</p>

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<p>Permanent trade (section 71Q)</p>	<p>No trade of entitlement under section 71Q of the <i>Water Management Act 2000</i> in any of the following circumstances (unless the work was nominated by the licence when it was first issued):</p> <ul style="list-style-type: none"> • to a work located on a significant lagoon or wetland, as identified in schedule 5 of the <i>Water Sharing Plan Border Rivers Unregulated River Water Sources 2012</i> • to a work located outside the Border Rivers Valley Floodplain • to a work located in management zones A or D. <p>Note. Removal or modification of a work may be required under section 102 of the <i>Water Management Act 2000</i> following a dealing that results in a significant reduction in entitlement and the works are still able to take overland flow</p>
<p>Nomination of works (section 71W)</p>	<p>No nomination of works under section 71W of the <i>Water Management Act 2000</i> if the works are:</p> <ul style="list-style-type: none"> • located outside the Border Rivers Valley Floodplain • located within management zone A or D • located on a significant lagoon or wetland, as identified in schedule 5 of the <i>Water Sharing Plan Border Rivers Unregulated River Water Sources 2012</i>.
<p>Mandatory conditions - licences</p>	<ul style="list-style-type: none"> • Exempt from requirement relating to ordering of water • Only take overland flow within the Border Rivers Valley Floodplain • Condition to give effect to the access rule
<p>Mandatory conditions - approvals</p>	<ul style="list-style-type: none"> • Exempt from flow measurement device requirement • Measurement conditions applied directly from the regulation