

Floodplain Harvesting Licensing

What is floodplain harvesting?

Floodplain harvesting is the capture and use of water that flows across a floodplain. It is separate from water covered under all other extraction categories, such as harvestable rights or water access licences.

The Australian and NSW Governments jointly fund the NSW Healthy Floodplains Project, which aims to ensure floodplains remain sustainable by managing floodplain extractions. In May 2013, the NSW Government finalised its NSW Floodplain Harvesting Policy. Under this policy, floodplain harvesting must now be licensed under the *Water Management Act 2000* (WMA). The NSW Office of Water (NOW) is responsible for assessing applications and granting licences to successful applicants.

How will licences be granted?

The policy aims to ensure that there is an equitable distribution of water harvested from floodplains among eligible landholders and the environment. The first step in the licensing process is to identify what floodplain harvesting works already exist, and whether these are eligible to become licensed. This information is being gathered by inviting landholders to submit a **Registration of Interest (ROI)**. This process is being undertaken on a valley by valley basis, starting with the Gwydir and Namoi Valleys and Border Rivers. NOW advises landholders that the process is underway in a valley by advertising in local newspapers and by writing directly to water access licence holders in that valley.

How do I register my interest?

NOW provides a standard ROI form. If you are seeking a Floodplain Harvesting Licence for more than one affected property, you need to complete a separate form for each property. You need to:

- provide the name and contact details of the applicant, and the address of the property
- show the location of the floodplain harvesting structures on a property map
- complete detailed information about the type of structure, the lot and deposited plan on which it is located, whether it is licensed and (if relevant) the licence or approval number. This is required for each location where floodplain harvesting occurs on the property
- complete similar information for floodplain harvesting storages, including size, volume and fill details
- provide a description of the floodplain harvesting activities, such as how the harvested water is used, what crops are grown, and how storages are managed
- show you have the capability to use the volume of water for which you are applying
- sign the declaration regarding accuracy of information provided

NOW may reject ROI forms that are incomplete.

What happens if I don't register?

Floodplain harvesting licences will only be granted following favourable assessment of a ROI. If you do not register your interest, your floodplain harvesting works will not be licensed and you could be prosecuted if you continue to harvest floodplain water in future.



Need help with your ROI?

Western Land Planning (WLP) specialises in water licensing. It works for the irrigator, not the Department. It has a good working relationship with Departmental staff and knows and understands the Department's requirements. WLP can help prepare your ROI to meet NOW criteria, giving you the best chance of a favourable assessment. It can also liaise with the relevant Government departments on your behalf to help clarify and resolve any issues with your ROI or licence application. If you need advice on licensing, WLP is happy to meet with you to discuss your requirements.

What happens to my ROI?

NOW assesses each ROI after the closing date for that area. There are three possible outcomes for your ROI:

1. Eligible for detailed assessment
2. Ineligible for further consideration
3. There isn't enough information to determine whether the works are eligible or not.

You may be asked to provide more information to help NOW determine your ROI.

If your property is considered eligible, NOW will conduct a detailed field assessment on the property, and you will be asked to complete a detailed questionnaire about your floodplain harvesting activities. This data will contribute to determining individual allocations and the extraction limit for floodplain harvesting in each valley.

Once the individual floodplain harvesting allocations have been finalised, eligible landholders will be invited to apply for floodplain harvesting access licences and water management work approvals. Assessment of these applications will generally be the same as for other NOW licences. This means you may be required to provide a

capability assessment and/or environmental assessment of the works before NOW can issue the necessary approvals.

Ultimately, a successful ROI and application for licence will provide you with a perpetual floodplain harvesting access licence. In future, you may be able to trade this licence (permanent transfer), or allocations (temporary transfer).

Are my floodplain harvesting works eligible?

Eligibility will be determined in relation to a cut-off date for pre-existing works and approvals, **3 July 2008**. Works are considered to be eligible if:

1. The works were constructed in accordance with an approval under Part 2 or Part 8 of the *Water Act 1912* or the WMA, and were capable of floodplain harvesting as of 3 July 2008.
2. The works constructed on the floodplain and capable of floodplain harvesting as of 3 July 2008 are currently awaiting approval under Part 2 or Part 8 of the *Water Act 1912* or the WMA, but only if the application was submitted on or before 3 July 2008.
3. Works that are yet to be constructed, pending approval of an application under Part 2 or Part 8 of the *Water Act 1912* or the WMA, but only if the application was submitted on or before 3 July 2008.
4. The works constructed on the floodplain and capable of floodplain harvesting as of 3 July 2008 did not require approval under Part 2 or Part 8 of the *Water Act 1912*. In this case, you must establish to the satisfaction of the Minister that approval was not required. When submitting your ROI, you should provide evidence that the Office of Water did not require approval.

Need more information?

You can get more information about the NSW Floodplain Harvesting Policy, and download Registration of Interest Forms from NSW Office of Water's website: www.water.nsw.gov.au

The *Water Management Act 2000*, the *Water Act 1912* and their regulations are available from NSW Legislation's website: www.legislation.nsw.gov.au