

[REDACTED]

Irrigation and Construction Surveyor

23rd February 2025

Natural Resource Commission
Dear responsible officer,

Re: Submission to inform your review of the Water Sharing plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016 (the WSP).

Thank you for your invitation to provide a submission on the above.

Introduction

I have been engaged by [REDACTED] to make the following submission. I have surveyed and designed most of [REDACTED] works on his farm "Yarral" since about 1978. I have provided similar submissions to this for [REDACTED] as well (although for different purposes) and assisted with various applications in regard to his farms.

I have, read the Water Sharing Plan for the upper Namoi and Lower Namoi Regulated Rivers Water Sources Amendment Order 2024 and the Water Sharing plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016.

Through no fault of you or your department, it seems to me that there are some problems with the WSP that will adversely affect [REDACTED] and the objectives of the plan. This possibly, has come about because of the now disjointed nature of the various departments now administering irrigation farms and the Water Management Act, Floodplain Harvesting policy and implementation and possible strict interpretation of legislation, perhaps without full knowledge of the circumstances, which are confusing and may be held now by DPIE or Water NSW. The extended passage of time and incremental nature of approvals has certainly not assisted anyone.

For example, [REDACTED] and his farms have been going through a long and drawn-out process for the Flood Plain Harvesting (FPH) process, which started in 2013 and is not yet concluded. During this process it became very clear that the various determining departments did not have full knowledge of circumstances and historical approvals and licences or works on the ground that were involved in [REDACTED] farms. During this process, water supply works approvals have been partially resolved by way of similar submissions to this to allow the determining department to partially resolve issues (which took several years). At the moment this has not been the case with his FPH entitlement, which is somewhat more subjective and less transparent.

Specific Problem relating to Yarral

1. The problem with the WSP as it potentially effects [REDACTED] involves Floodplain Harvesting and zoning in the Lower Namoi Valley FMP. This specifically involves what has incorrectly become known as the "Yarral Lagoon", which is also incorrectly zoned in Management zone D.
2. I have attached a submission I recently made for the Unregulated Peel and Namoi Water Sharing Plan, which shows why the "Yarral Lagoon" is not a Wetland and should not have been zoned under zone D. It demonstrates it has been in existence and continually used since the 1960s.

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3. I have also attached pages from the Narrabri – Wee Waa Floodplain Management Study November 2003, which list Wetlands in the relevant area, and noticeably does not list the “Yarral Lagoon”
4. I have also attached a portion of the current topographic map 8837-N Edgeroi, which also does not label any “Yarral Lagoon”.
5. The “Yarral Lagoon” should have water Management works associated with it, as it has pumps on it that have been extracting Flood Plain Harvesting waters and others, again since the 1960s. It was the first irrigation dam on Yarral, again in the 1960s. The entitlement for FPH for Yarral is also insufficient and will end up in court. It has obtained a draft entitlement of about 100 megs, when it should have had several thousand. Unfortunately, the comparison can't be made until all entitlements are issued. If the entitlement stays where it is, this will be appealed.

Management Zone Rules

6. The rules within management zones are also relevant, even though they do not appear to allow for existing works approval as per your WSP
7. The rules are now legislated under “Floodplain Management Plan for the Lower Namoi Valley Floodplain Order 2020”.

Problems with the WSP

8. Appendix 1 (also attached) shows management zoning under the Lower Namoi Valley FMP as extracted from your WSP. Effectively the WSP uses management zone D as a proxy for a wetland and sets out rules that would make it difficult for the continued use of the Yarral Lagoon as an irrigation dam or for floodplain harvesting.
9. It should be noted that Section 9 (1) of the WSP says that “the broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, surface water – dependent industries and local economies. The problems with the WSP in relation to the “Yarral Lagoon” do not enhance or promote this objective at all. In fact, if the WSP is left as is, with the prior department's mistakes and issues in relation to the Yarral Lagoon, [REDACTED] farm will financially be devastated without the continued access to use this facility.
10. The fact that the Yarral Lagoon has not been allowed to be bought into the FPH process (given it has been used continuously since 1960s, means that Section 26 (2) (a) cannot be correct as the “long term average annual extraction is calculated based on the following: (i) the water Storages and water use development that existed in the 1999 /2000 water year”
11. Section 40A (2) (a) and (b) (v) is also problematic for the Lagoon Dam
12. Under sec 47A (4) (e) is also problematic in terms of the number must be more than 4,500 ML/ Day if the Yarral Lagoon Dam is subsequently included.

GIPA application

13. As you may be able to appreciate, the information available for [REDACTED] current circumstance is a mess. I have lodged a Gipa application to obtain the complete contents of his file in relation to each farm he owns, which I thought should provide further documentation to support the validity of the Yarral Lagoon as a FPH structure, farm irrigation dam equipped with pumps.
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14. I have now received the Gipa, which is deficient in 2 ways, the records only go back to 1980 and there are some records which we know exist that have not been retrieved. I have contacted the Gipa area and am in the process of attempting to have them find the relevant missing information.
15. I have attached an environmental assessment for a Part 8 application, which is for all of Yarral (as per the map) and near the Yarral Lagoon, that says there are no wetlands nearby.

Conclusion

16. I do believe the WSP has contributed to environmental outcomes, but has been incorrectly applied by default to the Yarral Lagoon.
17. In terms of the Yarral Lagoon effects at the moment, the WSP has contributed in a negative way to social outcomes. This comes about as Yarral will have to put off staff without the continued ability to use the Yarral Lagoon in the way it has for nearly 60 years.
18. The economic outcomes of the plan may in general be ok, but in terms of reduced production etc because reduced access to historical water and infrastructure and FPH, are extremely adverse for [REDACTED] and his farm.
19. The ecological outcomes may again be fine as a whole, but if the plan is not modified so the Yarral Lagoon can be used, they are not good as they relate to Yarral. If the Yarral Lagoon is not able to be used as an irrigation dam, the water body held by it will become ephemeral in nature. At the moment irrigation water, tailwater, flood plain harvesting water has turned the area into a wildlife sanctuary, because of the semi-permanent water supply, with abundant bird life and other native fauna and flora. It should really be seen at the moment to appreciate its value.
20. By and large the plan has met its objective, except in how the Yarral Lagoon could potentially be effected.

Changes required to the plan

21. These specifically relate to the Yarral Lagoon, by removing it as a wetland or being zoned under the management zone D.
22. The issue point to in paragraphs 10, 11 and 12 above need to be changed to fix the issues as they relate to Yarral.
23. Without changing them paragraph 9 is not fixed and the broad economic objective is not met.
24. I apologise for the complexity of what is a relatively minor issue, but it is not a minor issue in the continued operation of Yarral as an historical irrigation farm.

Yours Sincerely

[REDACTED]

[REDACTED] on behalf of [REDACTED]

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[REDACTED]
[REDACTED]