

Submission form for the draft Murrumbidgee Valley Floodplain Management Plan: Stage 2 public exhibition

How to fill out this form

The NSW Department of Climate Change, Energy, the Environment and Water is seeking your feedback on the draft Murrumbidgee Valley Floodplain Management Plan.

We are seeking feedback through a public exhibition process from Monday 19 August to Sunday 29 September 2024. The publication *Draft Murrumbidgee Valley Floodplain Management Plan – Report to assist Stage 2 public exhibition* provides information that can help you to complete this submission form. This report is available on the department’s website at:

water.nsw.gov.au/murrumbidgee-floodplain-management-plan

To provide feedback on the management zones shown in Figure 3 in the report and on the [interactive spatial map](#), we recommend you:

1. take a screenshot of the relevant area/s displayed on the interactive spatial map
2. use a drawing tool to illustrate feedback or refer to the area shown in written feedback
3. save the screenshot of the map as an image file and attach it to your submission.

Mandatory questions are indicated with an asterisk (*).

How to submit your feedback

Have your say by Sunday 29 September 2024.

Save or print the completed submission form and send it via:

Email: floodplain.planning@dpie.nsw.gov.au OR

Post: Murrumbidgee Valley FMP

Water Group – NSW DCCEEW

PO Box 189

Queanbeyan NSW 2620

Information on privacy and confidentiality

All submissions, including maps, received by the NSW Department of Climate Change, Energy, the Environment and Water will be reviewed and published. The department values your input and accepts that information you provide may be private and personal.

When publishing submissions, including maps, the department will make every effort to redact personal and identifying information (your name will be published if you provide us with permission to do so).

If you want your name to be treated as confidential, please indicate this by ticking the relevant box below.

Your information will be handled by the department in accordance with the [Privacy and Personal Information Protection Act 1998](#). Any personal information you provide in completing this form will only be used to inform the development of the Murrumbidgee Valley Floodplain Management Plan. We will not use or disclose the information for any other purpose, unless required or authorised to do so.

If you would like to know more about how the department meets its obligations in collecting, storing, using and sharing personal information, you can read our [Privacy statement](#) or [Privacy Management Plan](#).

If you wish to view or amend the information held by us, you can email us at floodplain.planning@dpie.nsw.gov.au, or contact the department's Information Access and Privacy Unit on 02 9860 1440 or at privacy.dcceew@environment.nsw.gov.au.

Privacy questions

Do you give permission for your name to be published with your submission? *

Yes

No

If you are answering on behalf of an organisation, do you give permission for your organisation's name to be published? *

Yes

No

Not applicable

Your details

Details	
1. Given name *	
2. Family name *	
3. Email address *	
4. Address	
5. Phone number	
6. Are you making this submission as an individual or as a representative of an organisation? * (Mark only one)	<input type="checkbox"/> Individual (skip to question 9) <input type="checkbox"/> Organisation
7. Name of organisation	
8. Who do you represent? *	<input type="checkbox"/> Government <input type="checkbox"/> Peak representative organisation <input type="checkbox"/> Aboriginal organisation <input type="checkbox"/> Environmental organisation <input type="checkbox"/> Irrigation industry <input type="checkbox"/> Mining industry <input type="checkbox"/> Other (please specify):
9. Have you read the <u>Draft Murrumbidgee Valley Floodplain Management Plan – Report to assist Stage 2 public exhibition?</u> *	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Did/will you attend any of the following in relation to the Murrumbidgee Valley Floodplain Management Plan?	<input type="checkbox"/> An individual appointment <input type="checkbox"/> A phone call with departmental staff <input type="checkbox"/> A group meeting with departmental staff <input type="checkbox"/> None of these

The following sections relate to the feedback we are seeking on the draft floodplain management plan as described in the Report to assist public exhibition. Follow the steps on page 1 to provide feedback on the management zones shown in Figure 3.

Proposed management zones

The proposed management zones represent the hydraulic, ecological or Aboriginal cultural (or combination of) attributes of the land. Different rules and assessment criteria apply to each management zone. These reflect the nature of the area and consider the impact that a flood work may have on the movement of flood water, and risk to life and property.

For more information, please refer to Figure 3 and section 3 in the [Report to assist public exhibition](#). For a higher resolution version of the proposed management zones, see the [interactive spatial map](#).

<p>Please provide any comments you may have on the proposed management zones.</p> <p><i>(If relevant please attach a map to your submission.)</i></p>	
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Proposed rules and assessment criteria for management zone A and SP

Flood works in management zone A and SP will be restricted to specific types that are essential for the protection of life and property, or improvement of the floodplain. Each type of flood work permitted will be subject to size or height restrictions to minimise the impact on the passage of floodwater.

For more information, please refer to section 4.1.1 and Table 1 in the [Report to assist public exhibition](#).

<p>Please provide any comments you may have on the flood work types permitted within management zone A and SP and associated specifications.</p>	
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All flood works in management zone A and SP will be assessed using the standard assessment criteria. Enhancement flood works will also be assessed using the hydraulic assessment criteria.

For more information, please refer to section 4.1.1 and Table 2 in the [Report to assist public exhibition](#).

<p>Please provide any comments you may have on the proposed rules and assessment criteria for management zone A and SP.</p>	
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Additional types of flood works are permitted within management zone A and SP if they were constructed prior to the commencement of the draft floodplain management plan, subject to complying with the standard assessment criteria.

For more information, please refer to section 4.1.1.2 and Table 2 in the [Report to assist public exhibition](#).

<p>Please provide any comments you may have on the proposed rules and assessment criteria for existing unapproved works in management zone A and SP.</p>	
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Proposed rules and assessment criteria for management zone B

Any type of flood work will be permitted in management zone B, subject to assessment using the standard assessment criteria. Larger flood works in management zone B will require advertisement and assessment using the hydraulic assessment criteria.

There is no difference in the rules and assessment criteria for flood works constructed prior to or after the draft floodplain management plan commences.

For more information, please refer to section 4.1.2, 4.2 and Table 2 in the [Report to assist public exhibition](#).

<p>Please provide any comments you may have on the proposed rules and assessment criteria for management zone B.</p>	
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Proposed rules and assessment criteria for management zone C and CU

Any type of flood work will be permitted in management zone C and CU, subject to assessment using the standard assessment criteria. Flood works that may have a significant impact on high value infrastructure will require assessment using the hydraulic assessment criteria.

There is no difference in the rules and assessment criteria for flood works constructed prior to or after the draft floodplain management plan commences.

For more information, please refer to section 4.1.2, 4.2 and Table 2 in the [Report to assist public exhibition](#).

<p>Please provide any comments you may have on the proposed rules and assessment criteria for management zone C and CU.</p>	
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Proposed mandatory conditions

The draft floodplain management plan proposes three mandatory conditions that will apply to flood work approvals:

1. After a flood work is removed, the area it was located must be returned to the height of the natural surface of the ground.
2. Notice must be given to WaterNSW once a flood work is constructed.
3. Erosion must be prevented during the construction and use of a flood work.

For more information, please refer to section 5.3 in the [Report to assist public exhibition](#).

<p>Please provide any comments you may have on the proposed mandatory conditions. <i>(If relevant please attach a map to your submission.)</i></p>	
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Proposed amendment provisions

The draft floodplain management plan sets out the circumstances when the plan may be amended in the future. Of note, it proposes to amend the plan before 1 July 2028 to include rules and assessment criteria that consider the effects of climate change.

For more information, please refer to section 5.4 in the [Report to assist public exhibition](#).

<p>Please provide any comments you may have on the proposed amendment provisions.</p> <p><i>(If relevant please attach a map to your submission.)</i></p>	
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Additional information

<p>If you have any other comments on the draft floodplain management plan, please provide them here.</p> <p><i>(If relevant please attach a map to your submission.)</i></p>	
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If you would like to provide any additional information to help us understand your feedback, please attach this to your submission.

The following questions help us understand how effective our communication and engagement activities are in reaching our diverse community and stakeholders. This enables us to communicate more clearly and improve opportunities for everybody to have their say.

<p>How did you hear about this consultation? *</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Community group <input type="checkbox"/> Department’s website <input type="checkbox"/> Email or newsletter from the department <input type="checkbox"/> Letter <input type="checkbox"/> Newspaper advertisement <input type="checkbox"/> Social media <input type="checkbox"/> Word of mouth <input type="checkbox"/> Other (please specify):
<p>Do you identify as Aboriginal and/or Torres Strait Islander? *</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say

Do you speak a language other than English at home? *	<input type="checkbox"/> Yes (please specify): <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say
Would you like to sign up to our monthly Water newsletter to stay informed and have your say about water planning, management and reform across NSW?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I've already subscribed

Thank you for taking the time to complete this form.

27 September 2024

Manager
Floodplain Planning Water Planning
NSW Department of Climate Change Energy the Environment and Water

Dear Sir/Madam

**Submission to Stage 2 of draft Floodplain Management Plan for the Murrumbidgee Valley
Murrumbidgee Irrigation Limited**

This submission is prepared in response to the draft Murrumbidgee Valley Floodplain Management Plan: Stage 2 public exhibition. This submission has been prepared and authorised by Murrumbidgee Irrigation Limited (**MI**).

Introduction

As one of the most significant operators of water management works in the Murrumbidgee Valley, MI welcomes the opportunity to provide feedback in response to Stage 2 of the draft Floodplain Management Plan (**FMP**).

MI has concerns about the interaction between the FMP and MI's network of supply and drainage works. At the present stage of the drafting process, MI feels that the FMP does not have adequate regard to water movements "on the ground" and the social and economic mandate of MI's network.

About MI

MI is an irrigation corporation regulated under the *Water Management Act 2000* (NSW) (**the Act**). It owns and operates the infrastructure system used to provide water delivery and drainage services to primary producers in the Murrumbidgee Irrigation Area (**MIA**). MI is the holder of (relevantly):

- Various bulk Water Access Licences with Water NSW, nominating the Sturt and Narrandera Regulators amongst the authorised Water Supply Works.
- Combined Water Supply Work Approval and Water Use Approval No. 40CA403245 (NSW DPIE).
- Operating Licence issued by the Governor of NSW under sections 123-124 of the Act dated 7 December 2016.
- Environment Protection Licence no. 4651 (NSW EPA).

Under its licences, approvals, and the Act, MI is authorised to enter land to perform a number of functions, including the installation and reading of water meters, ascertaining whether a water supply contract has been breached, installing, and replacing new works, and rectifying defective works. By its mandate under the Operating Licence MI has legal obligations around the maintenance, management, and operation of efficient and commercially viable systems for the delivery and drainage of water in the MIA.



The MIA was first established in 1906 following the commissioning of Burrinjuck Dam in the Snowy Mountains. The MIA was conceived by the government of the day as a purpose-built scheme, designed to feed and provide employment opportunities for a growing nation. During the planning and construction phase, the NSW Government's was cognisant of flood impacts from the Murrumbidgee River and other systems such as Mirrool Creek in developing the MIA. Under the *Irrigation Corporations Act 1994* (NSW) and the conditions of the previous Water Management Works Licence (IC 5), MI was permitted to operate as an autonomous irrigation scheme. The licence provided for the supply of water to, and the management of water within MI's area of operations. This included surface water, drainage, subsurface supply, and floodplain water management works.

MI was under State control until it was corporatised and transferred to member ownership in the late 1990s. Today the MIA is home to over 50,000 people, with most jobs tied inextricably to the water MI supply to farms and industry. MI itself has 2,305 shareholders, all of whom are the local farmers and irrigators who are served by MI's network.

MI operates on a non-profit basis. Its Constitution prevents the distribution of any profits to its members during its operation or upon winding up. The company is wholly owned by its members (customers). Those local farmers and irrigators are the people who ultimately bear any costs incurred by MI.

MI's network

MI's off-river network largely operates by gravity, originating from the Sturt and Narrandera licenced river offtakes. MI's Water Access Licences apply to the Murrumbidgee Regulated River Water Source.

The integrity of MI's infrastructure is essential to allow access to annual allocation available on our Water Access Licences and to provide our customers with water supply and drainage services. The supply and drainage network was conceived as a whole. Any interference with upstream parts of the supply network will affect, or cut-off, downstream parts of that network. MI's network comprises over 1,740 kilometres of supply channels and 1,547 kilometres of drainage channels, serving 3,124 landholdings.

It should also be noted that as well as providing irrigation water delivery and drainage to primary producers, MI's infrastructure is used for town water supply, urban stormwater, and floodwater management. To illustrate, both Griffith City Council¹ and Narrandera Shire Council² have floodwater protocols or plans that rely on certain MI assets to mitigate harmful effects of regional flooding. In that way MI delivers a public service.

It is vitally important for any FMP to recognise the physical and historical context of the development of water infrastructure in the MIA.

FMP boundaries

The proposed floodplain boundary needs to reflect the influence of water supply works and drainage infrastructure on the movement of water across the landscape. The FMP boundaries, and/or the boundaries of the various Management Zones, should be amended to recognise the physical, historical, and critical role of MI's supply and drainage infrastructure. Currently the FMP boundaries and Management Zones do not have adequate regard to the significant in-situ infrastructure owned by MI.

Indeed, there is inconsistency between the indicated extent of inundation based on the interactive flood mapping tool, and the Narrandera Shire Council detailed flood maps based on a 1% AEP flood

¹ <https://www.griffith.nsw.gov.au/flood-studies-and-floodplain-risk-management-plans>

² <https://www.narrandera.nsw.gov.au/development/planning-tools/flood-planning>



event. For example, Figure 2.4 of the Review of the Narrandera Floodplain Risk Management Study and Plan 2019 shows riverine floodwaters generally not extending beyond the MI Main Canal.

The FMP mapping tool shows that there are no, or no significant flood dependent ecological assets to the north of MI's Main Canal. Only a very small amount of the Proposed Floodway Network is to the north of MI's Sturt Canal. Even so, it is difficult to see how those areas in practice could function as part of a floodway network, where the Sturt Canal separates them from the river. The same can be said for the very small part of the proposed floodway network situated to the north of MI's Main Canal, where (as noted above) the Main Canal is effectively a barrier to riverine floodwaters extending to the north.

MI recommends amending the modelling to show only those areas impacted by river flooding events during the modelled years and the removal of inundation from localised rainfall events. The draft map captures areas of the MIA that have little to no impact on the flooding of the Murrumbidgee River. Therefore, the map boundary should be significantly reduced. In recognition of the extensive network of licenced supply and drainage channels, in most cases MI's view is that the boundaries should not cover the areas of the MIA. MI feels that at least (as discussed further below) the main supply channels should be excluded from the footprint of the floodplain.

Management Zone boundaries

MI feels that the Management Zone (**MZ**) boundaries are inappropriate having regard to the effect of water supply works and drainage infrastructure and existing approved land uses.

Specifically, MI makes the following points:

- Although not a MZ as such, MI's Main Canal appears to be marked as forming part of the floodway network. The Main Canal is an artificial structure that is mechanically regulated. It is bounded by large embankments on each side. By gravity it flows *away from* the river and not towards it. It is not a pathway for evacuation of riverine floodwater. It should not have been included as part of the floodway network.
- For the same reasons, the inclusion of the Main Canal in MZ A does not reflect the reality of how this artificial structure operates (including in times of flood).
- The inclusion of MI's arterial supply canals including the Narrandera and Sturt Canals in various MZs creates significant difficulty and uncertainty. That is because as long, thin structures the channels run through a series of proposed MZs. Physically it is not possible for a supply channel to function if, in different sections, it is said to be subject to different sets of rules and different MZs.

Rules and assessment criteria for Management Zones

The breadth of the Act's definition of "flood work" makes all definitions in the draft FMP a matter of significant importance to MI as the owner of a great deal of physical infrastructure within the boundaries of the FMP. MI has important assets such as the Main Canal which fall within clause 23 of the FMP. They bring clear benefits not only in terms of conveyance of licenced water entitlement, but in terms of preservation of life, property, and community amenity.

However, if those channels are "supply channels" as defined in the FMP, then subject to the applicable MZ any new or renewed flood work approval will be subject to stringent conditions. In MZ A, flood work approvals may be granted for supply channels (of which MI owns several in MZ A) where, among other things, the stringent matters in clause 43 are complied with.



This is concerning to MI and should also be concerning to the wider community. In Narrandera Shire Council's *Review of the Narrandera Floodplain Risk Management Study and Plan* (March 2019)³ MI's Main Canal embankment was relied on "...to reduce the impact of Main Stream Flooding on parts of Narrandera" (section 2.1). The 2012 aerial imagery at Figure 2.3 to that report, and the 1% AEP flood maps at Figure 2.4, show visually the critical role that MI's Main Canal plays in protecting the town. Indeed, that report at Measure 5 contemplated *raising* the Main Canal banks so that they would function as formal levees. MI also has many other channels (such as the Sturt Canal) that are similar and may also exist within MZ A.

The Main and Sturt Canals in particular are deep and wide with large, high banks for capacity (supply to thousands of properties) and structural integrity. Those banks are recognised for their critical contribution to the preservation of life and property (as per section 29(d) of the Act). Fundamentally, MI's supply channels do not and could not comply with the various MZ requirements (especially in MZ A). Because of the channels' scale and gravity-fed nature, they could never be modified so as to comply with the requirements. While the Plan at clause 33 states that the FMP "*deals with the risk to life and property*" including by establishing MZs "*according to the risk of constructing flood works in those areas*", for MI assets in the various MZs it is difficult to see how the FMP requirements support those objectives.

Further, it is inappropriate for the banks or windrows bordering the main supply channels to be specified in the restrictive manner defined in the assessment criteria, to be eligible for flood work approvals. Similarly, and having regard to the physicality of the main supply channels (that exist to service thousands of customers) it is not possible or appropriate to define a requirement to exist only below the natural ground surface.

In MZ SP flood work approvals appear not even to be available for supply channels (clause 66). This should be rectified.

MZ A also has requirements for access roads. The FMP is required to comply with section 16 of the Act and thus should be consistent with any State Environmental Planning Policies. MI notes that *SEPP (Primary Production and Rural) 2020* applies to the whole State and permits (without approval) emergency repairs and routine maintenance of channels. That is defined to include creation of access tracks within an irrigation corporation's Area of Operations. MI feels that the FMP's requirements around flood work approval for "access roads" in MZ A (see clause section 39) are inconsistent with the provisions of the SEPP.

Aside from channels, MI assets that may be "flood works" include MI's licenced discharge points specified in MI's Combined Approval 40CA403245 (relevantly, located near Yanco, Gogeldrie, and Whitton) and its Environment Protection Licence 4651. Physically, those discharge points are situated at the end of MI channels. There are four such works within the boundaries of the FMP. Again, despite the licenced and essential nature of those assets, and their very small geographical footprint, they may never be capable of compliance with the MZ Assessment Criteria.

Beyond that, as fully licenced and operationally critical parts of MI's network, MI would be concerned if the inclusion of those discharge points within the proposed floodway network were to curtail MI's rights and duties under the Act and the SEPP in relation to any development or enhancement of those works.

Conclusions

Overall, MI is the holder of a suite of licences and approvals to allow the continued operation of the irrigation scheme in the MIA. That scheme is operated for the collective good and also for the good of the wider MIA community. Section 120 of the Act authorises MI to construct and use water

³ Available at <https://www.narrandera.nsw.gov.au/development/planning-tools/flood-planning>



management works within its Area of Operations, as it deems necessary or appropriate. The SEPP identified above is of similar effect. The FMP should not be permitted to impede on the lawful ability of MI to manage and develop its network. The Objects and Water Management Principles of the Act include to foster social and economic benefits to communities and agriculture. Under the Act, the FPM is required to have due regard to the socio-economic impacts of its requirements.

MI feels that in its current form, the draft FMP does not strike the right balance between the various interests. Application of the rules and assessment criteria of the proposed MZs will create significant uncertainty and compliance risk for MI as a licenced irrigation corporation under the Act.

MI submits that the Plan requires a broad exemption for the works of a licenced irrigation corporation. There may be various ways to achieve this. One approach might be amendment to the various Divisions of Part 7 of the Plan to permit the granting of flood work approvals, without reference to the Assessment Criteria, to existing water management works of a licenced irrigation corporation under the Act. Another approach would be to vary the boundaries of the FMP itself, and/or of the various Management Zones and floodway network, to carve-out irrigation corporation assets in response to the submissions above. Alternately the wording of clause 3 of the Plan could be amended to add an exclusion around the works of irrigation corporations licenced under the Act.

MI has considerable expertise in the movement of floodwater “on the ground” in the Murrumbidgee Valley in and around the MIA. Our staff have supported Local Councils and flood management authorities in their efforts to protect life and property. MI would be pleased to meet and work with the Department to discuss this submission and improvements to the draft FMP.

Yours sincerely,

Michael Turnell
Senior Legal Counsel and Company Secretary