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Floodplain Harvesting rules for Macquarie Valley

Introduction

Central West Environment Council (CWEC) is an umbrella organisation representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

CWEC recognises the importance of bringing Floodplain Harvesting (FPH) under regulatory control in NSW to meet the requirements of the Murray-Darling Basin Plan and to return over-extracted water to rivers and wetlands for long-term environmental repair.

The climate change predictions for inland NSW regions indicate a major decrease in water availability in the landscape due to lower rainfall and runoff, higher evaporation rates and higher temperatures. This has major implications on the resilience of environmental and cultural values that have been compromised through increased water extraction over time, including through the growth of FPH in the Macquarie Valley.

The expansion of the irrigation industry that has occurred in the Macquarie Valley over the past 30 years based on free, unmeasured and unmanaged access to flood flows has caused significant environmental and social damage to other water users in the NSW Northern Basin.

The Macquarie Valley supports the internationally significant Macquarie Marshes. This Ramsar listed wetland is flood dependent and requires a range of flood flow volumes, frequency and duration to support wetland vegetation, native fish and water bird habitat.

Groundwater recharge, downstream connectivity to the Barwon-Darling River and cultural values associated with the Macquarie River also depend on flood flows.

Process to manage FPH in the Macquarie Valley

CWEC considers that an ongoing bias towards supporting unsustainable irrigation practices is inherent within the process being rushed through to license FPH in the Macquarie Valley.

The NSW Government has had a policy in place since 2013, with amendments in 2018, that appears to favour the irrigation industry to the detriment of all other water users, including the environment.

The recent proposal to exempt rainfall runoff, now being termed tailwater return, is a case in point.

Once again it is proposed to hand the irrigation industry free access to water that no other agricultural industry enjoys. Rainfall runoff has been managed under the 10% harvestable rights rules. All other water take for commercial purposes must be covered by a water access licence.

Runoff caused by the application of water to irrigated fields demonstrates inefficient use of water. This should not be an argument for a rainfall runoff exemption.

Water interception and extraction in the Macquarie Valley cannot be considered to be under the Plan Limit or 1993-94 Cap Limit while ever unmeasured, free access to rainfall runoff is granted.

The proposed volumes of FPH to be licensed, at about 52 GL (or 62 GL including rainfall runoff), is too great a gift in the form of new, compensable private property rights.

The modelling used to arrive at these estimates lacks key data inputs including actual harvested volumes, characteristics of flow pathways, return flows, losses between farm and river gauges and a range of other important data sets.

CWEC does not support the proposed management rules that provide maximum access to available flood waters. These will not lead to a level of recovery for the environment and downstream connectivity flows needed to repair the cumulative impacts of 30 years of unfettered flood extractions.

CWEC is also concerned that a large number of unapproved works exist on the Macquarie floodplain with no clear or accountable process of removal or management.

Rules to manage new FPH licenses in the Macquarie Valley

CWEC supports that the initial determination of access to flood flows under new FPH licences is limited to 1 ML per unit share. This is critical for protecting flows to drought affected areas downstream, including overdrawn groundwater sources.

An annual accounting rule with no carryover is also critical to ensure that access to flood flows is limited to 1 ML per unit share.

Access rules to ensure that flows from the Macquarie Valley contribute to important flow targets in the Barwon-Darling system are an essential inclusion to the management of FPH access licenses.

The targets have been developed to protect flows for basic landholder rights requirements along the Barwon-Darling River, provide opportunity for the passage of fish across the major weirs in the Barwon-Darling River and to protect flows needed to suppress blue-green algae.

The Macquarie contributes on average 21% of flows to the Barwon-Darling. Important drought breaking floods must be protected to ensure that flow targets are met before FPH can be accessed in the Macquarie.

End of system flow rules must be implemented in the Macquarie Regulated and Unregulated Water Sharing Plans to manage access to flood flows.

Objects of the *NSW Water Management Act 2000 (WMA)*

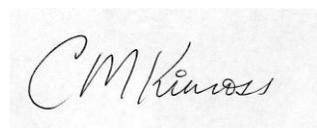
The hierarchy of priorities in the objects of the WMA is first to meet environmental needs and second to meet basic rights.

FPH licences should be at a similar level of priority as Supplementary Water licences in that water availability determinations are restricted first so that higher priority water uses are met.

Obligations to meet the requirements of the international Ramsar and Migratory Bird Treaties in regard to water needs of the Macquarie Marshes, habitat needs for threatened native fish populations and First Nations cultural values must be considered when managing access to flood waters through FPH licences.

The granting of new, compensable private property rights is a financial gift to the irrigation industry in the NSW Northern Basin that must be managed to ensure that water sharing is conducted under the priorities of the WMA.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'C. M. Kinross', is written on a light-colored rectangular background.

President