

The Council of the
SHIRE OF BREWARRINA



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Flood Plain Harvesting Licensing Framework – Issues for consideration

Council is opposed to the gifting of commercial, tradeable licenses for structures designed to divert flood waters into storage for future use.

The flood plains are essential to the ecological and cultural needs of communities with recurrent flood flows providing an essential environmental flow to replenish large areas of woodlands and pasture as well as nurturing the spiritual and cultural rebirth of the flood plains.

Structures constructed to divert flood waters into storage are an antithesis for sound environmental management of our waterways and of the cultural association with the land and the water.

Reported water savings are an illusion, as there is no accurate measure of the water that flowed either prior to or after the diversionary structures were constructed and the reports simply propagate theories as fact, without any consideration or value placed on the impact that flood diversions into storage does have on natural water flows.

The proposed new flood plain diversionary licenses will be based on a specific location and granted to landowners who have flood plain diversionary structures that have been constructed without any environmental impact assessment or public scrutiny. The licence will be gifted to the landowner who constructed the diversion without any assessment of the impacts on other water users, no assessment on the impact on cultural and environmental flows, no assessment on the impact of ecological flooding of pastures and forests.

There is no suggestion that gates be installed in such structures to ensure that first flush and larger flows are not impeded by the dam or weir having been constructed to divert flood waters to storage.

It is concerning that anything constructed prior to 2008 is to be regarded as a legal structure without any consideration of long term environmental impacts and those who were fortunate enough to have such structures on their property are to not only be granted immunity from prosecution but to be rewarded for their efforts by being granted a commercial license.

To use an analogy, when the Government offered a gun amnesty the guns were to be handed back, in this case the government is saying thank you for telling us that you have illegal guns and now you can keep the guns and we will pay you for the ammunition.

The structures that will be licensed have been constructed so as to divert water flows on a particular property, at a particular place on the river system. A fixed point of reference for the granting of a license needs to be clearly established and yet once the license is granted free to the land owner, the license can be traded away from that location.

This is absurd, whilst there is a suggestion that the structures must be removed, the damage has been done, many of these structures have been in place for at least 14 years despite assurances that the removal will be enforced, the remnants of the structures will continue to impact on the flood flows.

The Government must surely realise that if a flood plain diversion license is granted, it must always remain with the property and location that the license was granted. It's similar to a water bore, once you have drilled a bore the license must remain with that bore.

If the license holder wishes to relinquish the license, that license must be extinguished and like the analogy of the bore, the structure must be capped or removed. The trading of flood plain licenses away from the site of the diversion cannot be permitted in any circumstances.

As stated earlier, Council is opposed to the gifting of commercial, tradeable licenses for structures designed to divert flood waters into storage for future use.

Cllr Phillip O'Connor
Mayor of Brewarrina