

Sarah Moles

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By email to independentpanel.firstflush@dpie.nsw.gov.au

I write as a Qld based Upper Condamine catchment landholder with a particular interest in the Murray Darling Basin. I am involved with and active in a number of organisations working towards healthy rivers, wetlands and floodplains and full implementation of the MDB Plan.

My over-riding impression of the management of the first flush event is that it was a complete shambles with great confusion around the on / off taking of water restrictions. The process was opaque, set a low bar, provides a poor example of event management and provides more evidence that 'wiggle room' can and will always be found to provide for the rich, influential and politically well-connected users ahead of the needs of all other users – including the environment – who continue to come a poor second. This has to stop. Water reform needs to be done and done right.

There was no public community consultation process about the Floodplain Harvesting (FPH) Exemption Regulation. FPH should not ever be exempt from s324 embargos. In my view, the *Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020* should be repealed. ASAP.

Just days before lifting the embargo, Minister Pavey criticised the Qld government for allowing Condamine Balonne water harvesters access to flood flows. In an astonishingly hypocritical move and without an apparent trace of irony, the Minister lifted the NSW s324 embargo just a few days later. I am aware of a DPIE email actively encouraging irrigators to submit reports warning of potential damage to their infrastructure if they were unable to take floodwaters. That I find the notion that structures built expressly for dealing with floodwater were at risk from the very same floodwater as ridiculous is incidental to a process that reeks of interference, bias and conflicts of interest.

The outcome was that owners of unlicensed structures and works were given priority access to water ahead of critical human needs, critical environmental needs, basic landholder rights, supplementary licence holders and general security water users. It completely failed to meet hierarchy of priorities and the objectives described in the *NSW Water Management Act 2000*.

Furthermore, the process served as an attempt to legitimise floodplain harvesting infrastructure built since the commencement of the (so-called) Healthy Floodplains project. The currently unassessed, unlicensed and unapproved infrastructure in the Gwydir and Border Rivers valleys of NSW is capable of taking an additional volume in the vicinity of 800GL from a system that has been showing clear signs of severe

stress for decades. I would not be at all surprised to learn that additional FPH volumes of similar magnitude exist in the other northern NSW tributaries.

At a time when towns were out of potable water and native fish communities in dire straits, it was morally reprehensible for illegal infrastructure to be exempted from the embargo and allowed to take the first flush flow after more than 18 months of severe, unrelenting drought. All northern tributary WRP/WSPs and the Barwon-Darling WRP/WSP must contain clear, unequivocal rules that protect the first flush after prolonged drought. No 'ifs', 'buts' or 'maybes' are acceptable.

The health of the Barwon-Darling River, including its biota, the landholders along its length and its river communities depend on inflows from all the northern MDB tributaries. If critical human and environmental needs are ever to be met in a fair, balanced and sustainable way, there must be a realistic EOS target in each water Plan area, including the Barwon-Darling, to ensure connectivity is maintained right through to the Lower Darling EOS at Wentworth. Critical ecosystem and human needs must be met as per the requirements of the *NSW Water Management Act 2000*. In my view that means no access to a first flush flow until the storage level in the Menindee Lakes Scheme reaches 400GL (note: actually reaches, not predicted to reach).

In my opinion, floodplain harvesting should never have been allowed on an industrial scale.

We have known for decades that FPH is damaging the ecosystem yet further growth has been allowed with no proper assessment of the impacts on critical human needs nor ecological assets. It's time this was done and further extraction of all floodplain flows should be prohibited until all eligible works are assessed, accurately measured and their volumes licenced.

All FPH must fit within the Limits of the relevant WSP/WRP and should not be increased to accommodate prior history of take. The final total licenced volume of FPH must be included in the long term annual average extraction limit and all existing shares adjusted accordingly.

There is nothing confidential in this submission and I consent to any part of it being made public.

Yours sincerely,

A handwritten signature in black ink, consisting of several loops and a horizontal line at the bottom, positioned below the text 'Yours sincerely,'.