

**Submission
No 15**

**INQUIRY INTO IMPACT AND IMPLEMENTATION OF
THE WATER MANAGEMENT (GENERAL) AMENDMENT
(EXEMPTIONS FOR FLOODPLAIN HARVESTING)
REGULATION 2020**

Organisation: Wentworth Shire Council

Date Received: 29 May 2020

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What is your view on the way the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020 was implemented?

- The Regulation was implemented on Friday 7 February 2020 with no prior notice, consultation or explanation of its purpose. It was accompanied by a restriction on floodplain harvesting extraction that could have occurred without an exemption Regulation.
- The restriction was then lifted almost immediately giving a right under the Regulation to conduct floodplain harvesting.
- The Regulation legalises a form of water extraction that impacts on other water users' shares, is highly contentious and unregulated through a licencing and measurement process.
- The Regulation allows for unlicensed water take from floodplain works that have not necessarily been through any form of approvals process.
- The justification for the Regulation was to allow for unlicensed, unmeasured extraction of water to be restricted. This form of take should be permanently restricted until the assessment and licencing process is complete [OR this form of take should be permanently illegal].
- Floodplain Harvesting in NSW is free, unaccounted take that has significant impacts on downstream environmental assets and values and decreases access for downstream water users and communities.
- The lifting of the restriction on Monday 10 February prevented important first flush flows reaching Ramsar listed wetlands in the Macquarie and Gwydir catchments and decreased flow connectivity with the Barwon-Darling. The Lower Darling was still dry at the time.
- The argument that structures built on a floodplain were threatened by flood waters is a poor reason for lifting the restriction and allowing unmeasured take from the first flows entering the NSW Northern Basin river systems for a significant period of severe drought.

What is your view on the impact of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020?

- Do not support that any water supply work on the floodplain should be exempt from a water access licence or a water supply work approval.
- The impact of the Regulation is to exempt illegal works on the floodplain that should be required to be removed.
- Floodplain Management Plans have not identified existing floodplain works built without approval. The Regulation gives an exemption to these types of works. This is unacceptable.
- The wording of the Regulation is very poor and legally dangerous. It appears to give legality to floodplain structures that have never been through an assessment or approvals process.
- The definition of a floodplain water supply work eligible for the exemption under the Regulation allows for works to be exempt from licencing that have never applied for approval and have never been assessed or granted approval.

- The definition of eligibility should only include supply works constructed with approval on or before 3 July 2008.

Do you have any other comments on this regulation?

- This regulation is entirely unnecessary and should be repealed.
- It sets a very poor precedent exempting illegal access to free unmeasured, unmetered water extraction of ecologically and socially important flood flows.
- The management of floodplain harvesting in the NSW Northern Basin is critical for the survival of the Darling River considered to be in ecological collapse by the Natural Resources Commission.