

**Submission
No 17**

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

Organisation: Healthy Rivers Dubbo

Date Received: 24 May 2020

Organisation: Healthy Rivers Dubbo

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

The implementation of the Regulation on Friday 7th 2020 was sudden and unexpected. There was no consultation of accompanying explanation. Environmental stakeholders and basin landholders were confused, concerned and unnecessarily ignored during the process. The restriction on floodplain harvesting could have been enacted without this regulation. Water take by floodplain harvesting should be permanently restricted until the assessment and licencing process is complete. The restriction was lifted really quickly, and as a result of this regulation, all of a sudden there was a right to conduct floodplain harvesting. The works that are now allowed to take water because of this regulation have not necessarily been through any approvals process. The reason given for the lifting of the restriction - that structures built on the floodplain were threatened by floodwaters is a bewildering one that does not pass the pub test. Floodplain harvesting is very controversial in the Northern Basin. Being an unmeasured, free and unlicensed form of take, it impacts on other water users' shares, and this regulation has legalised it. The first flush of water after a crippling drought (which has not fully broken) should have been completely protected. Flows to the Ramsar listed Macquarie and Gwydir wetlands were restricted, and the Lower Darling was still dry. The free, unaccounted, unmeasured take of floodplain harvesting has significant impacts on downstream water users and environments.

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

The impact of the Regulation is that now there are water supply works on the floodplain that are exempt from a water access licence or supply work approval. Some of these works eligible for an exemption have never applied for approval. Now, works that should be removed as they are illegal, are exempt from approvals! This is very unacceptable. Only works that were constructed with approval before 3 July 2008 should be eligible for being licenced.

Do you have any other comments on this regulation?

The wording of this Regulation is very general, its lack of specificity could mean that structures that have never been assessed for approval could be legalised. Floodplain harvesting has played a major role in the fish kills and ecological collapse of the Darling River. Internationally significant Ramsar listed wetlands have been impacted over the years by floodplain harvesting. Critical human need and stock and domestic needs in lower sections of tributary rivers like the Macquarie, and along the Darling, has not been met at the time floodwater was being harvested upstream. It has been estimated in the media that between 400 and 500 GL is in storage in NSW on farm storages from floodplain harvesting take this calendar year. Combined with what could only be assumed to be an even larger volume held across the border in QLD, it seems most of the water coming from rain events in the Northern Basin in 2020 has been captured for free in on farm storages. This regulation is entirely unnecessary and unacceptable, and should be repealed.