

INQUIRY INTO FLOODPLAIN HARVESTING

Organisation: Brewarrina Shire Council

Date Received: 13 July 2021

BREWARRINA SHIRE COUNCIL



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OUR REF:
YOUR REF:

Tuesday, 13 July 2021

The Hon Ms Cate Faehrmann MLC
Chair
Select Committee on Flood Plain Harvesting
Parliament of NSW
Macquarie Street
Sydney NSW, 2000

Dear Cate Faehrmann MLC

Re; Flood Plain Harvesting In NSW

I attach for your consideration, Council's submission to the Inquiry into Floodplain Harvesting.

Yours Faithfully

Jeff Sowiak
General Manager

Inquiry into Flood Plan Harvesting

Submission from Brewarrina Shire Council:

1. Introduction;

The current crisis in the Barwon Darling river system is largely a consequence of a failure from all levels of Government to manage our water for the river communities.

Council believes that it is time to rethink priorities and make timely, tough decisions in the best interests of river communities. Just as no one can guarantee rain, Governments should not enter agreements to provide water for large scale irrigation when there are higher priorities.

It's a simple fact that rain in the Northern tributaries has, as nature intended, always flooded to the South West and it doesn't change from maroon to blue when it crosses the border. The accounting of water for the health of the river must be prioritised.

Thousands of fish poisoned by stale water or left to die when lakes are drained, is a sign that despite having spent over \$7.5b on water saving initiatives, whatever it is we are doing its not working. It would be simple to say that the bureaucrats have got it all wrong, but let's not play the blame game. Whatever we do now, let's start by making decisions based on the health of the whole river system, not just State by State or valley by valley.

Let's rethink rules that suck the life out of our rivers, the over allocation of precious scarce resources. Water is for life and gambling on water trading up and down the river and from valley to valley needs to be sorted. Rules that allow extraction in one State or valley when precious little is available downstream are simply wrong.

Flood plain harvesting will reduce overland flows intended to water the flood plains and recharge the environment. Gifting licenses for flood plain diversions and then permitting trading away from the properties where structures have been built will only make it worse for the environment and the health of the river.

Our first nations people recognise the meaning of water for life and its time we considered new ways of doing things, water is life and no amount of money can make it rain and you can't drink cotton.

2. The Legality of Flood Plain Harvesting Practices:

The NSW Draft Flood Plan Harvesting Policy appears to favour those in the water industry interested in obtaining retrospective approval for existing diversionary structures and potential windfall gains, from the introduction of yet another strategy on water regulation designed to increase, not reduce the potential damage to the river systems.

Council representatives were disappointed to learn that the community is unable to object to the implementation of a licensing scheme for Flood Plain Harvesting. The proposals will provide both protection, in terms of retrospective approval and profit for those who have already constructed flood plain water diversions and

storages since 1995, as the relevant date for water extraction targets and sustainable development targets.

The policy will add considerable value to existing irrigation properties and provides no benefit at all to communities and landowners along the river, desperate to see clean fresh water once again flowing down the river. It seems that the Government has, via this draft policy and previous decisions, once again ensured that there is no drought for those with the capacity to build bigger and better storages.

Despite ample evidence of past mismanagement, illegal take, construction of illegal or damaging river diversions and the largest ever off river storages: now, here is a policy that will legalise the ability to draw water before it has an opportunity to irrigate flood plains down-stream.

This begs a question, are we heading to a future where there is only one industry that can maximise its draw on the river system to the detriment of all other industries, environment, social and cultural requirements?

It appears that water will flow where cotton grows and this flood plan harvesting policy will ensure that no-one will be accountable for the damage done through past illegal and/or environmentally criminal water diversions.

The focus on models and augments about how water is measured are meaningless, as there is no way to meaningfully measure the amount of water being collected, diverted or taken unless you only allow water to be used, if it falls from the sky as rain on the land being cropped or it is pumped or channelled through a metering system.

A huge amount of energy is being committed to make the model more accurate and meaningful. Meaningful to whom ? Accurate on what basis ? There are simply too many variables, arguments about definitions and questions about the methodology.

None of this is necessary if we simply refuse to allow flood plain harvesting to happen. Flood plains are an essential feature of the Australian landscape and this policy will ultimately ensure the reduction of flows in the Murray Darling system.

The policy states that having assessed a theoretical flood plain flow, by some impressive assumption's and more impressive theories, a licence will be granted, with the blessing of the State, to harvest flood waters for storage or irrigation.

This new license, gifted to the landowner, will be a right to harvest a quantity of flood water. Therefore, when eventually that flood flush comes precariously across the parched earth, to break the drought, the licensees will be able to turn on the pumps, drop in the stop logs and open up the channels to fill the off river storages.

Once the license holders have determined that the required quantity has been taken, the channels and diversions will stop to flow and the storages will be at the predetermined licensed level. Truly amazing, as under this policy, it will be the license holder with his/her trusty diary who will determine when this happens. Why ? . Because, as everyone is well aware, there are no practical ways to measure flood water.

However, there is more to this submission than a strong objection to the granting of a license, the retrospective approval for diversions and off river storages as well as the use of self-reporting of water extractions as a means of policing.

The Council also strongly objects to the ability to trade these theoretical licenses, granted for free by the State to landowners who will profit from the experience. More so when the existing land holder, who has sold or has been granted a free license, can continue to take advantage of natural diversions, channels and billabongs that exist, or any man-made structures to store flood waters.

Flood waters that would normally have flowed in depressions and across flood plains to provide valuable natural grasslands and water wetlands have already been diverted. This new policy not only legalises these previous diversions, it enables more water to be extracted by way of buying licenses off others and building new storages and diversion structures in different sections of the river. Floodwaters used to spread across the landscape and now diversions can be construed so as to channel water up natural land formations into billabongs, dams and low lying areas.

It is noted that once the license is sold, the policy requires that the former license holder decommission any structures that have been constructed for the diversion or storage of Flood waters. Exactly how will these natural and man-made structures be decommissioned? Does anyone seriously believe that this will happen!

The policy is overly generous and needs to be amended; there are too many unknowns, too many assumptions and too many presumptions in favour of approving existing structures and maximising returns from water licensing.

In summary Council submits:

1. Flood water's that naturally flow across the landscape are essential for both the health of the river and the community.
2. If there is licensing of Flood Plain Harvesting, then the licence once granted for free, must remain with the property or be surrendered, it should not be allowed to be traded.
3. Only structures that were constructed prior to 1995 can be granted licenses for free or at concessional rates.
4. If this policy goes ahead, than money raised from the issue of Flood Plain Licenses should be used to purchase environmental water.
5. Any water that is diverted to storage as a consequence of diversions constructed post 1995 should be part of the existing water licence for that property and not allocated as a free top-up and/or any structures constructed after 1995 must go through an open and accountable process for approval. Only if approved, then licenses should be granted at concessional rates to the landowners.
6. Any non-approved diversions and storages must be removed.

Yours Faithfully

Clr Phillip O'Connor
Mayor of Brewarrina.