

**Submission
No 48**

INQUIRY INTO FLOODPLAIN HARVESTING

Organisation: JAS AG
Date Received: 12 August 2021

Monday, 13 August 2021

Chair, NSW Legislative Council Select Committee

Inquiry into Floodplain Harvesting

floodplainharvesting@parliament.nsw.gov.au

Lodged online

Re: Submission into Inquiry into Floodplain Harvesting

Dear Chair,

I am an irrigator, who is considered an eligible floodplain harvester in the Gwydir Valley in north-west NSW.

I support the need to regulate floodplain harvesting extraction works (WSWA) as per the requirement of the Water Management Act 2000, which is already legislated.

I do not support the regulation to licence volumes (WALs) to be included in the Water Sharing Plans and Water Resource Plans on the following basis for both regulated and unregulated floodplain harvesting water.

Since the Murray Darling Basin CAP arrangements in 1993/94 this form of water take has been deemed to be a part of the land's property rights as an allowable activity.

In NSW, the Water Management Act allows for other users of rainfall runoff extraction to be administrated under the exemptions of the Act and Regulation. Exemptions allow for take of harvestable right, including up to 100% take in the Western Division and basic rights as not requiring a Water Access Licence.

The general myth in the public debate is that it only northern irrigators floodplain harvest, which is a clearly an incorrect perception: Other uses include:

- It is estimated that in the Murray Darling Basin, farm hillside dams for domestic and stock purposes, commercial and environmental uses have increased by 37% since 1994 (CAP) to 2,213 GL. These structures have no regulations or restrictions in regard to run-off take. As a result, these dams capture the first rainfall events until it spills into the water courses. These types of dams would also lose up to 100% of its initial volume (take) within a 12-month period via evaporation and infiltration.
- Conservation farming technology change – grazing and cultivation has dramatically improved its capacity to collect and store rainfall runoff in the soil profile. For every metre of soil profile holds 1 ML of rainfall run-off water. This technology has greatly reduced sediment run-off as well.
- Urban development and infrastructure expansion has impacted on the floodplain's natural flow conditions and behaviour.

In regard to the above, the total surface water rights for the basin equates to 5,277 GL and the Basin Plan water recovery from these sources is currently at 1,938 GL.

Hillside dams are currently unlicensed and unmanaged in the Water Sharing Plan arrangements, and as a result more than 41% of the run-off in the Murray Darling Basin is harvested (first rainfall run-off events) which is not being discussed, regulated, or licensed as a part of this framework work.

Clearly, since 2013, the department has licensed the floodplain harvesting extraction works as per section 92 of the Water Management Act. This has included:

- My farm details were checked, including my existing approvals to ensure I meet the eligibility criteria.
- I have opened my farm to multiple inspections by project staff and by NRAR to inspect, map and record all my farm infrastructure.
- My farm has been surveyed by LiDAR to measure my storages and levees. This was cross checked against my own on-ground surveys at my own cost.
- Works approval has been provided, verified and final documents has been signed off on.

This process means MY FARM works and its capacity to take has been licensed and is compliant for its current floodplain harvesting activities.

I support the key principle rule of the 1993/94 take and the 2008 CAP on floodplain harvesting works which ensure future access remains within long-term legal limits. The licensing of these works provides our community and the industry certainty around water available for irrigation at times but ensures overall limits can be achieved in the long-term.

However, the regulations changes should allow for floodplain harvesting WAL requirements to be exempt, in conjunction with the current licensed works and the associate conditions to manage this resource within the required limits to better align with other users and consistency within the Act.

The farms I currently own have been harvesting this water source for 35 years in a sustainable manner and as per the legislation of the day. The uncertainty now being created for political gain (awareness) by certain groups and parties will ultimately impact the viability of these farms and their employment capacity. With the restrictions in supplementary water and the over than 50% reduction in FPH take re the current licence offer, I am currently reviewing whether it is feasible continuing with this business activity in NSW.

I am an irrigator who has expertly designed, and precision developed irrigated land, which, captures my excess irrigation water and rainfall runoff within the farm to avoid releasing potentially contaminated water back into our rivers. To date in NSW the legislation and regulation has stipulated this activity as a requirement of the licence conditions. As a result, there has been significant investment in complying with this requirement.

I would appreciate that the Committee reports on the matters raised to inform the members of parliament to enable them to carry out their parliamentary duties.

Regards

James and Sophie Mulligan

Willowlee, Teralba, Antrim – Moree NSW