

## INQUIRY INTO FLOODPLAIN HARVESTING

**Organisation:** Macquarie Marshes Environmental Landholders association

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## MACQUARIE MARSHES ENVIRONMENTAL LANDHOLDERS ASSOCIATION

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### Select Committee into FloodPlain Harvesting régulation

August 2021

#### **Introduction:**

The Macquarie Marshes Environmental Landholders Association (MMELA) was formed in 1995 when there was increasing pressure to further reduce water flows to the Macquarie Marshes. Its members are local landholders, many of whom are third and fourth generation landholders in the area, and all are dedicated to ensuring a healthy and productive marsh for future generations.

The aim of MMELA is:

*The Macquarie Marshes Environmental Landholders Association (MMELA) aims to ensure the social, economic and environmental sustainability of the internationally recognised Macquarie Marshes.*

The Macquarie Marshes is a large semi-permanent, **flow through** wetland on the lower end of the Macquarie River in central western NSW. It covers an area of approximately 200,000ha of which 12% is a Nature Reserve managed by the NSW National Parks & Wildlife Service (NPWS). The remaining 88% is privately owned freehold land which supports an extensive agricultural industry. Much of the land has been held in families for generations and the property owners have an extraordinary knowledge and understanding of all aspects of the Marshes and its management.

The Macquarie Marshes Nature Reserve, “Wilgara” Wetland and U Block are listed on the Ramsar Convention of Wetlands of International Importance. The Nature Reserve is also listed on the Japan - Australia Migratory Bird Agreement (JAMBA) and the China - Australia Migratory Bird Agreement (CAMBA) along with several other agreements. It is the responsibility of the whole community, including State and Federal Governments, to ensure management of the wetland does not compromise values and/or obligations set out in the above mentioned agreements.

The Macquarie Marshes is unique both environmentally and economically. Research indicates it is the most important colonial nesting waterbird breeding site in Australia for species diversity and nesting density (*Kingsford and Thomas 1995*). The majority of the breeding colonies are situated on privately owned land where landholders have managed and protected them since settlement. The Marshes also support an extensive cattle grazing industry which is its main economic focus. Sustainable grazing is encouraged by MMELA and the majority of

landholders are acutely aware of the environmental needs of the wetland and undertake congruent management practices.

Government policy and decision making relating to natural resource management has in the past had devastating impacts on the Marshes, particularly water management, which has severely reduced water flows through river regulation and other such legislation.

When Burrendong Dam was completed and irrigation was established throughout the Macquarie Valley scientific research showed flows to the internationally recognised Macquarie Marshes were greatly decreased. MMELA brought this to the attention of many governments and fought for water to be recovered for this diverse and unique wetland and its associated floodplain. As a result both the NSW and Federal Governments introduced 'buy back' programs and improved efficiency schemes in an effort to halt the ongoing destruction of the Macquarie Marshes. It must be remembered that these programs only returned a small portion of the water originally taken from the Macquarie Marshes and the landholders who depend on its health and vitality to make their living.

### **Legality of floodplain harvesting.**

Floodplain harvesting must comply with the water management act.

MMELA has fought long and hard for many years to limit upstream water extraction in the Macquarie, the 50gl cap on Supplementary access licences was a result of much discussion .Floodplain harvesting was not included in the 1994/5 CAP on extraction, it seems that the definition of CAP has been changed .

Floodplain harvest take must be brought under the historic CAP.

### **Modelling floodplain flows.**

MMELA strongly disagrees with the modelling used to underpin the floodplain extraction in the Macquarie .We would like the inquiry to investigate the science used to validate the modelling.

The floodplain has no gauge stations and the flows that NSW DPIE modelled are linked to individual gauge locations. We have great concerns as NSW DPI did not visit the lower Macquarie and even included in the environmental outcomes (Page5, environmental outcomes of implementing the floodplain harvesting policy in the Macquarie valley) reference to gauge stations that don't exist. Macq @ Millewa ?? Or even Macquarie @ Gangarry ??

This brings into question the whole modelling of the project if the river gauges used have been made up??

## **Management**

MMELA object to trade both temp and permanent, of floodplain harvest licences.

We do not agree with any carry over for floodplain harvest licences.

There must be rules to protect the environment.

Implement end of system flow targets before any licences are issued (in the unregulated section of the river)

The floodplain harvest policy must include reference to the water management act.

We also have concerns about unapproved works on the floodplain and encourage the policy to identify the need to fund both the metering (NRAR) and unapproved works.

Our association feels that the whole process of licencing floodplain harvest take seems likely to end up removing more water from the floodplain and are yet to hear that a sound reason has been given why any licences should be issued to what is an already greatly over allocated system.

Our view is that the way the amendment to the regulation on the 7<sup>th</sup> February 2020 without prior notice, with a lack of consultation and without explanation of the purpose was negligent at best or even a disgrace to those of us that have been fighting to stop over extraction for years. The regulation has legalised a form of take that impacts on other water users shares. This form of take should not be licenced until an assessment of licencing process is completed or a royal commission is held into water management in NSW.

Floodplain harvesting has resulted in the 50gl cap on supplementary access in the Macquarie being irrelevant as now licence holders can freely harvest water from the floodplain and **trade** there supplementary licence to other extractors thus increasing take.

The very reason why water sharing plans exist is to prevent individual landholders restricting water moving across the floodplain, are we now in the position of those with the best connections to senior bureaucrat's or worse still a state government minister effectively bypassing the due process.

We feel that the works identified in the floodplain management plans that were classified as unapproved works (un licenced) must go through an approvals process. The definition of eligible works should only include works constructed before 2008.

The Macquarie valley has had massive development within the floodplain from 1999/2000 to 2008 with the opportunity to harvest floodplain water only available around the 1999/2000 period. To gain some understanding of how much water was harvested during this period is extremely difficult. This has not been helped as the irrigation questionnaire was both poorly returned and very few (less than 5%) of those that responded actually gave volumes of water extracted. This means to us that ability to estimate the volume of water extracted from the system falls directly into the modelling department. Our association have many doubts as to whether these models are able to capture floodplain flows. It ultimately comes down to a best guess.

We also have concerns about the time period that has elapsed with many property's changing ownership and managers changing, the direct result is that we don't trust that the issuing of licences to harvest water from the floodplain has the grounds to occur.

The capture of water within the irrigation field is another issue. There is 50 000ha of developed irrigation land developed in the Macquarie valley, floodplain harvesting must include the capture of water run off developed fields.

Another major concern is the ability to trade the floodplain harvest licence and the generous carry over conditions that have been attached to the proposed licences. This is going to encourage the large irrigators to extract huge volumes of water from the floodplain in many cases without any limit to take. Floods occur in the Macquarie valley around every 5 years so any irrigator with a 1000mgl licence could in fact have the ability to extract up to 5000mgl.

During the development of the floodplain harvest policy our association has asked that before any licensees are issued a complete scio/economic study be carried out to the impacts on both unreg licence holders (including the Barwon Darling) as well as floodplain graziers who would be effected by the issuing of the floodplain harvesting licences.

In summery it looks to us that there are too many questions and a complete lack of validation as to why the process should continue.

Garry Hall

President of the Macquarie Marshes environmental landholders association.

