

**Submission
No 63**

INQUIRY INTO FLOODPLAIN HARVESTING

Organisation: Mudgee District Environment Group

Date Received: 13 August 2021

The Chair

The Select Committee on Floodplain Harvesting

13th August 2021

SUBMISSION: NSW Upper House Inquiry into floodplain harvesting

Mudgee District Environment Group (MDEG), based in the Mid-Western Region local government area in NSW, is working for the conservation of our natural heritage and a sustainable future for our children.

Thank you for the opportunity to provide comment on floodplain harvesting.

Legality

Members are concerned that water taken by floodplain harvesting (FPH) is free. This has allowed inconsistent and often unethical behaviour among those who have captured this water and used it for irrigation. There is huge inequity in this situation.

Such free take of the water does not place a value on the environment. Our rivers, waterways and riparian zones must be protected when take volumes are being considered. The most recent climate modelling for NSW must be used in any assessment of FPH to ensure that proposed volumes of take do not capture moderate or low flood flows. These flows are a necessary part of river and floodplain systems.

Aboriginal cultural values are not given sufficient consideration in the current situation. Irrigation values are placed higher, and this inequity cannot continue. Their Travelling Pathways, social and cultural practices are intrinsically connected to the landscape. We are diminished by actions which do not respect this connection.

FPH irrigators currently have priority over other licenced irrigators. This inequity must be addressed through law and regulation.

Water regulations

MDEG believes that FPH should not be exempt from requiring a works approval. Such works must be fitted with compliant metering, and there must be no exceptions. The regulation must apply equally to all. The Minister should not be able to intercede.

We are in agreement with the regulation, in that FPH be licenced. However, this licensing must address illegal FPH works. It must use the most recent data, and appropriate modelling. Licensing must also introduce downstream flow targets based on environmental, cultural and basic landholder needs.

All rainfall runoff over the 10% harvestable right must be licenced. We object to the exemption of rainfall runoff to be licenced.

Floodplain harvesting - licensed, regulated, metered and monitored

It is important that floodplain governance begin with a clean slate i.e. all illegal floodplain works that have been capturing water must be removed. Over-allocation must be rectified at the outset. It should be illegal to take floodplain water without a licence and approved works. Onfarm storage should only be permitted with stringent regulations adhered to.

It follows that penalties for illegal water diversions need to be increased so that they are a deterrent.

We reiterate the importance of downstream flows. Irrigation must not be prioritised over the environment, other users and the requirements of Aboriginal communities. Cumulative downstream impacts must be assessed and monitored. This data should inform the regulatory system.

We support rules to protect environmental water.

Yours Sincerely,

Rosemary Hadaway

MDEG Chair