

**Submission
No 72**

INQUIRY INTO FLOODPLAIN HARVESTING

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Submission to Floodplain Harvesting Inquiry

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Chair, NSW Legislative Council Select Committee
Inquiry into Floodplain Harvesting
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Dear Chair,

My name is Jonathan Mulligan, an irrigator in the Gwydir Valley, Northwest NSW. I farm cotton, wheat and chickpea with my wife and daughters. Our farm has been deemed eligible for a floodplain harvest licence, and FPH is an integral part of our business.

Without access to FPH our small creek, the Moomin Creek, could not deliver an equitable share of the Gwydir water resource to our farm - due to stream capacity.

This will be a common theme for nearly all farms in the Gwydir Valley, as the river splits into several smaller rivers near the town of Moree. The combined capacity of these smaller rivers is approximately 10,000ML/day downstream of Moree, yet the Gwydir, at say Gravesend 50km upstream can be flowing at 200,000ML/day. It should not be surprising then that on-farm storage development occurred. Irrigators only have access to a share of the resource, and not all the water flows within stream banks.

While some may take the view that FPH is “bonus” water, the reality is that it merely supports the reliability on the original distribution of irrigation licences 40-50 years ago. These licences authorised about 80,000ha of irrigated land from regulated flows, and a further 10,000ha from other unregulated streams. Later these were converted to volumetric equivalents of 509,000ML and 63000ML respectively. While the Water Act 1912 didn't directly encapsulate FPH, the overarching volume of water should.

The concept recognising that if water enters a river, a proportion would be allocated for extraction. It should follow that a proportion of Floodplain water would have been licenced had there been a call to do so many years ago. Whether it would have been in addition to earlier licences would be pure speculation, in any case FPH had to fit into CAP figures, and now has to fit within Sustainable Diversion Limits.

The earlier Gwydir valley usage CAP at 450GL/year, and the newer (lesser) SDL of 400GL including FPH, falls well under that original licenced volume. There is no new water available to irrigators from this process, and in the case of the Gwydir, considerably less.

This brings me to the importance of licensing and metering of floodplain water take. Without measurement we are open to wanton speculation about the amount of FPH take and when it is taken. These regulations began to take shape 20 years ago, and it's disappointing that they have been delayed further given the amount of work that has gone into getting things right. Many many hours have been spent Collating information both by ourselves as owners and by DPIE/NRAR staff. Our farm has been Measured, surveyed, inspected, mapped and scrutinised like never before in a quest for accuracy. And I should add willingly and cooperatively, given the importance of such. I don't know what more could be done in that arena, other than following through with the results as soon as possible.

While such a large reduction to expected licenced FPH take in the Gwydir Valley has been a shock, the need to finalise both the licensing and metering is paramount so a period of uncertainty and finger pointing can end. Not least because supplementary licence holders (some

of whom may not actually FPH) are being restricted simply because there is no FPH licence to apply limits to as yet.

I say finger pointing because one of the main factors initiating this inquiry will have been the disastrously dry years of 2018 and 2019, and subsequent low flows in the Darling River. The fact that there were no significant inflows, no water allocations and no FPH events seem to have escaped notice. The mere existence of on farm storage, albeit empty, was enough to illicit scorn. It has been disconcerting to literally have no irrigated crops in 2018 or 2019 on our farms, yet also be blamed for a dry river.

A robust metering system in itself would have been able to display a lack of affect on the situation by FPH, let alone irrigators in general.

In truth most FPH occurs in the wettest of years, when rivers run naturally often at full capacity, and when where Water Sharing Plans already direct a portion of flows downstream. Govt directives can always intervene in extreme circumstances, demonstrated by embargoed FPH flows in 2020. FPH licensing will not change the Minister's ability to restrict access, and in combination with metering, ensure the appropriate proportions.

We support the licensing and metering process even though it will inevitably mean farming with less water when complete. We want the system to be as fair as possible for all, reflect the intentions of governments past that have enabled the privilege of irrigation, and personally just want to get on with farming. It has been a long haul to get this far, and in our view need not be delayed further.

I thank you for the ability to make this submission, and taking the time to read this far.

Sincerely,

Jonathan Mulligan.

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