Submission No 229

INQUIRY INTO FLOODPLAIN HARVESTING

Name: Name suppressed

Date Received: 12 August 2021

Re: Submission into Inquiry into Floodplain Harvesting
Dear Chair,
I am an irrigator, who is considered an eligible floodplain harvester in the Namoi Valley in north-west NSW.
I support the need to regulate floodplain harvesting, not because it will benefit me, but because it's the right thing to do to allow Government to manage this form of water like all others, and prove to people we only use our small share when we can, and the environment and others get theirs.
I think its appalling that other users water rights are being impacted because NSW Parliament rejected rules to licence, manage and meter floodplain harvesting in May 2021.
I have followed the rules as have other irrigators. Now our politicians are throwing us under the bus. All we want is a clear set of rules so our historical practices can continue with clarity, certainty and accountability.
I do not want to be constantly called a thief for capturing rainfall that falls on my farm or some of the floodwater that has broken out of a river and is flowing across my land. Without clear rules, that's what I am being called.
I am not a lawyer, but if floodplain harvesting was illegal as some people claim, why isn't NRAR prosecuting irrigators? Why then has the Minister reduced supplementary water?
Clearly, there is evidence to support floodplain harvesting as an historical, legal form of take.
It is an important source of water in our region during times of plenty, when it floods. Doesn't it make sense to capture a fraction of a flood to keep us and our communities in business during droughts?

I have worked with this process since 2013, after I initially registered by expression of interest. During this time, this has meant:

- My farm details were checked, including my existing approvals to ensure I meet the eligibility criteria.
- I completed an irrigator behaviour questionnaire which included personal farm information dating back to 1993 and 10-years of model calibration data, including estimated volumes of take and cropping records.
- 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.
- My farm has been checked by aerial photographs and satellites for changes in infrastructure as well as cropping records at each of the key dates.
- I have received my individual farm water balance produced from the model, I provided detailed submission on this again using data to help calibrate the model.
- I have been provided two draft entitlements (one draft entitlement – awaiting my entitlement).
- I have provided a submission into my draft entitlements.

This process means MY FARM and other eligible floodplain harvesters in the five-northern valleys, have the most scrutinised, measured and recorded farms in NSW. The valley-based model has the most current information, it is broken down to the farm-scale which is a finer scale than another other model in NSW or the Murray Darling Basin.
This effort has come at great expense of Government but also significant time and resources of myself (insert cost). Due to a need to engage contractors, get my own farm measurements and allow for time to provide input and engage with the process.
Has this effort of time and money been for nothing?
I support that all major water take for irrigation should be licenced, metered, and reported to government and our community. This obviously must include floodplain harvesting where it

occurs. I do not see the need to wait until additional work on downstream triggers are needed or not. For two key reasons, we already have triggers for connectivity on river flows, which in all but rare occasions occur prior to floodplain harvesting and that fundamentally, people confused this form of take is access during a flood and drought management issues. They are just two separate issues.

As an irrigator, I fully respect that the volume of water available to me must be within legal limits. But in May 2021, NSW Legislative Council rejected the proposal by Government to restrict, licence and meter floodplain harvesting which would ensure I could operate within those limits.

I support in principle rules which ensure future access remains within long-term legal limits but balances the highly variable nature of overland flows in northern ephemeral systems, which only occur when our rivers are full and spilling and water is most abundant. Using averages in this way must allow for peak use at these rare times when we are in flood, to provide our region and its economy the opportunity to access water to store it for future use, when it is most abundant. An accounting approach in this manner 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. This is the approach the NSW Government has proposed in our region, with 5-year accounting and carryover provisions.

However, until such time that regulations can be remade and NSW Parliament doesn't disallow them, the discussion about accounting rules, metering requirements and overall volumes is academic. I continue to be unrestricted on floodplain harvesting.

Inaction of licencing floodplain harvesting means one licence is being punished for another form of take. Worse still these new rules and restrictions have been removed in a time when our rivers are full and flowing and we are at more chance of a flood, than a drought.

My business cannot wait years for you to sort out new rules or add targets. With the restrictions in supplementary water and the uncertainty around ongoing take, I have had to reduce my summer planting because of this debacle, at a time when I should be able to get back to my maximum production. It will impact my businesses recovery from the drought and likely make me less prepared for the next one if this continues.

Licencing of floodplain harvesting with the regulation of rainfall runoff, ensure consistency of policy across NSW. Because of the way the Water Management Act is written, to continue to operate my farm as I have historically, even if I didn't intercept flood water, I can be called a floodplain harvester when I capture rainfall runoff. To be clear – I am required by a condition on my work approval for the land to not allow water from within my development to leave my farm.

The rainfall runoff regulation meant that I could continue to operate my farm as designed for best practice, to meet these largely environmental obligations without the need for a licence that has fees and charges attached.

I am an irrigator who has expertly designed, and precision developed irrigated land, which, captures my excess irrigation water and rainfall runoff within my farm to avoid releasing potentially contaminated water back into our rivers. The rainfall runoff regulation would have enabled me to continue that historical practice and provide legal clarity and consistent around NSW for this activity, which is a requirement of my work approvals.

However, as an eligible floodplain harvester, the exemption would not apply all the time. The exemption does not apply when I would take floodwater under my licence, at this time, all water taken at this time would be considered floodplain harvesting. This ensures an ease of accounting and measurement against my floodplain harvesting licence.

It's a logical and simple solution, licence, reduce and meter those who floodplain harvest. Plus enabling those who don't, to irrigate as they have historically. This restores equity around NSW, ensures all major forms of water take is metered and accounted for.

It's time to do the right thing. Enough time and money have already been invested, more than any other water licencing reform.