

**Submission
No 243**

INQUIRY INTO FLOODPLAIN HARVESTING

Name: Mr Jim Cush
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The NSW Select Committee Inquiry into Flood Plain Harvesting

As I sit down tonight, I'm asking myself "Is this going to make a difference?". I certainly hope so as this submission takes the total number of submissions into Flood Plain Harvesting to well over 10, possibly more than 15.

In addition to this my farm has been thoroughly inspected: from on ground inspections by many Department of Primary Industry and Environment staff members, Water NSW staff members and in the last few years multiple visits from the Natural Resource Access Regulator all trying to verify my farm's history and compliance. Satellite surveillance has been utilised as well as farm records. I've completed Irrigator Behaviour Questionnaires and then throw in a couple of Lidar runs to verify on-farm storages capacities and you may get an idea of the scrutiny that has been put into the recently named Healthy Floodplains Project.

All of this to verify my farm was developed before 1993/94 and has been accessing floods in flood times, storing it on farm and using the water to grow crops when its dry.

Your inquiry Terms of reference

A: The Legality of FPH Practices

NRAR requested irrigators to get legal opinion on FPH activities. This was done and all advice was "to continue as we have done for over 40 years"

B: The Water Regulations published on 30/4/21

i) Rainfall Runoff Regulation

This was disallowed leaving industry in a possible situation of having to choose which law to break, with the result of possible contamination of the riverine environment.

Like it or not but most irrigation farms have intensive agronomic practices that involve chemicals and fertiliser, do the Upper House members really want to have the possibility of movement of these into rivers with Blue Green Algae probabilities? As a farmer I certainly don't want to harm my environment ...I live, work and support my local community.... Do you?

ii) Water Management Amendment to allow licensing

The Upper House disallowed this,

Reason? "Because they could..."

Result ... continued unrestricted FPH access.

This decision has had the Supplementary entitlement holders being unfairly restricted in the Border rivers and the Gwydir Valleys. Is this what you wanted when you disallowed the regulation, leaving FPH unrestricted and restricting supplementary access to people who may not even access FPH? It is most unfair.

C: How FPH can be Licensed, Regulated , Metered and Monitored so that it is sustainable and meets the objectives of the Water Management Act 2000 and Basin Plan

The Upper House disallowed this regulation stopping the Healthy Floodplains Project in its tracks. The Upper House even disallowed the measurement regulation of on farm water storage measurement.

D: Any other matters

I guess this will mean connectivity to the Southern Ocean?

Connectivity is a fundamental principle of Tributary Valley Water Sharing Plans.

The ephemeral nature of the Northern basin unregulated rivers, specifically the Barwon and the Darling, means they do not have water storages to provide regular flows and as a consequence stop flowing if there is no in-flows.

Before regulating water storage structures were constructed in the Murray and the Murrumbidgee River valleys these rivers would also stop flowing in dry times. However, as these southern valleys have had the benefit of regulating structures for over 80 years, you have to be very old to have witnessed dry riverbeds ...but this was the reality.

In this Covid time and with anti-vaxxers prevalent, it is disturbing to ask people under 40 years of age if they know about or have heard about Poliomyelitis and iron lungs. Most haven't because we were all vaccinated My point is since the Murray is now always full of water it is assumed the Barwon or the Darling in comparison is unhealthy because it may dry up from time to time. Yet this is normal and natural. The Murray used to dry up at times too before regulation, but most people cannot remember it any other way than being full of water.

It has been said some Upper House members voted against the regulations because the FPH Irrigators were in support of the regulations, maybe so, I don't know.

The end result of the disallowance for the 2nd time actually meant:

Full access for FPH farmers if they had a flood (remember it has to be flooding to be able to harvest a flood).

No measurement of volumes of water accessed from the floodplain.

Most, if not all, farms upstream of Bourke in northern valleys now have full on-farm storages.

A cut-back in supplementary access in two valleys,

Further to this, it means:

Menindee Lakes System is expected to hit 100% in coming weeks.

I also note that since Lake Victoria is full and Menindee is predicted to fill, Hume Dam began releasing inflow water and a flow of up to 25000/day in the Murray River minimum daily flow requirement to South Australia is being exceeded by over 500%.

The SA minimum daily flow is 4133 megs/day or 124000 megs for the month of August resulting in an unregulated flow in the River Murray.

The Barwon River has been running at almost 8000 megs/day for over 6 weeks this winter and there is a peak of over 24000/day at Walgett and 10000/day at Wilcannia now in the Darling River. These high flows are historically typical of a wet period following drought and some may be surprised this has happened even with unrestricted FPH. The reality is...this is what happens in flood, or wet, years, such as 2000, 2012, 2016 and 2021.

Accessing flood water in a flood literally means rivers are full and overflowing, the perfect time for river communities to benefit from water access which is the main component of rebuilding resilience for the inevitable dry times which will return sooner or later. After all, we do live and work in country renowned for droughts and flooding rains.

A cynic would say the Nay-sayers to the disallowance were more concerned about politics and keeping the battle going rather than working towards an equitable solution for all stakeholders. The Heathy Floodplains Project has been underway for several years, working through all the difficult areas under the watchful eye of the MDBA and through unprecedented drought. Is it wise to throw the science and knowledge learnt in this process away?

Regards

Jim Cush