

**Submission  
No 246**

## **INQUIRY INTO FLOODPLAIN HARVESTING**

**Name:** Mr Peter McLellan

**Date Received:** 13 August 2021

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**Submission to NSW Parliament Legislative Council Select Committee on  
Floodplain Harvesting  
Inquiry into Floodplain Harvesting**

To whom it may concern,

Thank you for the opportunity to provide a submission to the inquiry into floodplain harvesting.

The McLellan family runs beef cattle and sheep in northern NSW about 140 kilometres north of Warren. Our family has lived in the Macquarie Marshes and owned Marsh country since 1911. For a time we held and managed grazing leases in what is now the Macquarie Marshes Nature Reserve. We have also worked closely with governments managing water for the Marshes for many decades.

Peter McLellan has worked with government departments since the 1970s, including the Lands Department, the Department of Agriculture, water agencies, and the National Parks and Wildlife Service. The NPWS is our neighbour and we have had a good constructive relationship for many years, cooperating in fire and pig control and water management. The landholders in the Marshes, including the NPWS, have the same objective – a healthy Marsh.

Peter was one of the founders of the Macquarie Marshes Environmental Landholders Association (MMELA) in 1996. The motto of the Association is ‘fat ducks means fat cattle.’ A healthy Marsh is the aim of all Marsh landholders – agricultural producers and conservation managers.

MMELA supported the NSW government preparing a Water Management Plan and an Environmental Management Plan for the Marshes in the 1990s. Peter represented Marsh landholders on the River Management Committee preparing the first Water Sharing Plan for the Macquarie River. He was a member of the first Macquarie environmental water advisory group established in 1996. Peter and Rhonda's son Robert worked on the recent Water Sharing and Water Resource Plans and is a current member of the environmental water advisory group.

The Macquarie Marshes are a large wetland on the Lower Macquarie River. The Marshes are listed on the Ramsar Convention of Wetlands of International Importance.

Professor Richard Kingsford has researched the Marshes for more than 30 years. He has shown that they are one of the most important bird breeding areas in Australia. He has also shown that the Marshes had halved in size by the mid-1990s, after Burrendong Dam was built and the irrigation industry developed upstream. Since the mid-1990s the remaining area of the Marshes had contracted by another 80 percent. The remaining healthy Marsh area is about ten percent of its original size.

Of great concern to us is that as the flows in the river get less the Marshes become drier and stay drier for longer. This has already seen an increase in the number and severity of fires in the Marshes which rarely burnt in the past. These fires do great damage.

As well as the environmental cost the economic cost to landholders has been enormous. A decline in area and productivity of 90 percent has had a devastating effect on the grazing industry. Most houses in the area are now empty.

Floodplain harvesting in New South Wales it has never been licensed, metered, measured, or regulated, and its growth has been unchecked. In the Macquarie Valley the amount of water taken by floodplain harvesting is not known, but it is many tens of thousands of megalitres each year. This is taken from every person downstream and governments have turned a blind eye for nearly 50 years.

## **TERMS OF REFERENCE**

### **(a) the legality of floodplain harvesting practices**

We believe that floodplain harvesting is illegal in NSW. It is not a licensed method to take or use water. Many of the structures used for floodplain harvesting have been built without approval.

The NSW government has not put a believable case that the amount proposed can be licensed and yet extractions will remain below the Murray-Darling Basin Cap.

We believe that floodplain harvesting volumes proposed should not be licensed, and that total extractions must not exceed the Murray-Darling Basin Cap

### **(b) the water regulations published on 30 April 2021**

We support the disallowance of the regulations published on 30 April 2021.

### **(c) how floodplain harvesting can be licensed, regulated, metered and monitored so that it is sustainable and meets the objectives of the Water Management Act 2000 and the Murray-Darling Basin Plan and,**

Before any floodplain harvesting is licensed we believe that the following must be in place:

- guarantees that it will be within legal limits of extraction,
- the identification and publication of all floodplain harvesting works, their locations and storage volume,
- information readily available to the public about floodplain harvesting structures, their ownership, licence conditions and approvals,
- information available to the public about the number of unlawful structures and their location,
- deadlines for the removal of all unlawful structures,
- that licences are granted temporarily, not permanently, and are subject to review every five years,
- river management rules that include enforceable downstream flow targets, including the volume of water to pass defined points,

- increased penalties for water theft.

**(d) any other related matter.**

We oppose:

- the proposed initial licence allocation of five times the licensed amount,
- the proposal for accounts to hold five times the face value of the licence at any time.
- carry-over of the right to take water off the floodplain. Carry-over must not apply to floodplain harvesting. It is not carry-over of unused allocations - it is a claim to take future river flows,
- any trade of floodplain harvesting licences.

**Consultation**

Consultation has been very poor. It seemed to be a process to push floodplain harvesting licensing through. There seems to be no intention to take the views of people downstream into account.

Yours faithfully,

Peter and Rhonda McLellan

Warren