

Submission
No 269

INQUIRY INTO FLOODPLAIN HARVESTING

Name: Name suppressed

Date Received: 13 August 2021

Partially
Confidential

Submission to Select Committee on Floodplain Harvesting,

(established June 23 2021)

To whom it may concern,

Thank you for the opportunity to make a submission into this enquiry.

I am _____, of Broken Hill. I have lived here and Menindee, for most of the time since 1987. When I first came to this district, the river levels along the Barwon-Darling were stated on the morning radio, and many locals would listen, eagerly waiting for the 2- 3months as a rise in river level would meander down from Qld, or northern NSW and arrive at Menindee

In those days floodplain harvesting was not a recognised common term.

Embankments redirected water to private dams: “Stealing Water” was more widely used.

As the years went by, the rises and floods would get lost on the way, finding it more difficult to pass Bourke.

The young generation from Toowoomba don't realise the water in all the surrounding dams is held back from the Barwon Darling river.

Minister Pavey implied a couple of days ago that the Warrego is the major catchment for the Darling River. It wasn't that way before the over extraction and floodplain harvesting reduced the massive flows from the reliable rainfall catchment valleys further to the east, delivered downstream via the Barwon River. The Warrego is one of the last rivers to have its water stolen.

Terms of reference:

a) Legality of floodplain harvesting practices:

ICAC NSW released their report 1 in November 2020. The report found misuse of official information by the deputy director general of DPI-Water, **and much other evidence showed priority was given to productive water users over the rights of other stakeholders. “Clear alignment between the department's strategies and goals and those of the irrigation industry”.**

“This is in contrast to the Water Management Act's water sharing priorities that require the water source and its dependant ecosystems and protection of basic landholder rights must not be prejudiced by any other right.”

The water source and its dependant ecosystems in real terms is the river, its catchments, and its floodplains. This is regardless of whether any person has submitted a masterpiece explaining why a particular part of floodplain is of greater value than another.

The legality of diverting overland flows from rain events (not overbank flows from flooded rivers) appears fine in the central and eastern parts of NSW, as 10% of rain event flows into dams seems fair. Farther west the land owner is entitled to divert and contain 100% of any rain event. In the earlier times when it seemed impractical to make embankments surrounding massive acreages, this ruling may have seemed ok. Its not OK now. When one travels scores of km, after a heavy rain event, and witnesses the amount of water restricted from finding its way down creeks into outback rivers, which should drain into the Darling or Barwon, in the middle of a drought, it is not OK. The legality of this rule is questionable

when placed into the meaning of the Water Act. Low embankments, such as roads or tracks restrict water from its dependant ecosystem. Illegal. Just because diversions have been made in the past, illegally, the laws should not be changed and tweaked to legalise them.

d) Any other matter.

i) Climate Change.

The catchments and floodplains contain plants that hold the soil together, maintaining the river channel that has been in the same area for over 25,000 years at Menindee. They replenish the groundwater about the rivers. The floodplains also buffer the severity of massive floods, extending the flow time as they slowly drain back into the river. Maintaining floodplain plants is important basic maintenance for the massive flooding likely to occur with climate change: longer hotter dry times and more ferocious storm events.

ii) Questioning our basic concepts that determine our questions.

THE QUESTIONS WE ASK HAVE NOT YET BEEN APPROPRIATE FOR FINDING SOLUTIONS:

Inappropriate:

“What is the minimum we need to leave for the river and her floodplains?”

This encourages basic greed over control of our resources for profit, at the expense of long-term sustainability.

It has resulted in us making individual valley Water Sharing Plans, which do seem to improve those valleys, but ignore the obligation for delivering water to and through the Darling River and her floodplains to the Murray River.

More appropriate:

Ask this question: “As I am the Darling River, and The Northern Basin river valleys are all my catchments, (however small), when can I afford to share my incoming water flows that have not yet reached my downstream obligations? “ If the water managers cannot place themselves and their departments into this space, they need to find people to do the job who can.

It really is not rocket science but is quite confronting to many of us. We are in fact a very greedy mob. Our collective greed and desire for control of nature has placed our planet in a situation that may result in our own extinction in the short term.

There is no time to spend the next 30 years paying consultants vast sums of money to come up with a good election spin, which we are by now so familiar with. Floodplain harvesting is icing on the cake, not an obligation of the River system as a yearly debt to the irrigators. The whole way the law makers have confronted the water sharing plans is back to front ie: If the irrigators take flood water, it should be measured, documented and used against their allocation of water for future years. The floodplains and river systems should never have irrigators and laws indicating the river owes the farmer any water allocation to make up for dry years.

SOLUTION : Adaptive Management -

Use statistical distributions: Map standard deviations for historical yearly flows above Menindee. (Note I have not tested what volumes would be identified using this strategy, however the concept is sound as it is intended to isolate both the highest and lowest percentiles to determine both safest and riskiest times for floodplain harvesting.) Only allow floodplain harvesting with 4 criteria:

- 1) Ensure Menindee Lakes have sufficient water for 3 years supply for Lower Darling absolute minimum. Lakes Wetherall and Pamamaroo should always be full before even thinking about floodplain harvesting above.
- 2) Long term weather forecasts must predict reasonable rainfall weather events sufficient to replenish downstream public storages.
- 3) During the previous 2 years if yearly flows lie within a standard deviation from the mean, (or average) flow, floodplain harvesting **may** be appropriate using 1 years account.
- 4) If the past 2 years' yearly flows lie above the mean, (above average), and if a rain event is predicted to be in the top 13 percentile, a 5- year account **loan** could be made to the licence holder (if very large flood predicted).

When a years cycle does not reach the standard deviation, floodplain harvesting licences should be ceased until the above criteria are met.

This would hypothetically agree to the reduced volumes of water required in the account management rules pertaining to the proposed 5-year account. Without allowing for take during inappropriate timing.

Unused flows from the floodplains could be scooped up by downstream class A B, C and floodplain licences in the Barwon. However, (as a thought bubble), these flows could be protected by being classified as part of the cultural flows while the above criteria are met. This may be worthy of consulting with the 1st nations people of NBAN and the Native Title holders of the Baaka -Darling River below Bourke.

I don't believe flood plain harvesting is a good idea, I just know these governments are going to legalise it no matter what we say.

So be brave, and make it work for the river, only when the icing on the cake is appropriate and water over floodplains downstream obligations will be, or have been met.

Yours sincerely,