

NAME REDACTED Submission to Macquarie Floodplain Harvesting (FPH) Rules

We oppose the unjust handout of floodplain harvesting licences which privatise rainfall in private corporate dams capturing overland flows from our rivers and wetlands and the people who depend on them. We support metering, modelling and good management rules. Locking in brand new floodplain harvesting property rights could expose the public purse to multi-million-dollar compensation claims. Issuing permanent property rights to irrigators is a massive transfer of public wealth that should be considered only once public good outcomes can be guaranteed, including for First Nations who are disproportionately disadvantaged under the current policy settings.

- Once one of the biggest bird-breeding sites in Australia, the Macquarie Marshes have shrunk significantly as a result of river regulation and consumptive uses of water upstream, including FPH. Flood flows provide critical habitat and triggers for waterbird breeding events.
- Flows from the Macquarie into the Barwon Darling-Baaka Rivers must be ensured before FPH diversions are allowed.
- The proposed FPH rules do not ensure the provisions of the NSW Water Management Act 2000, the Commonwealth Water Act 2007 and Murray-Darling Basin Plan are met.
- FPH won't be reduced in the Macquarie because the Government says total water extractions are under the allowable limit, however they have changed the volume of the allowable limit and not explained how the new limit was determined.
- The volume of FPH modelled in the water sharing plan is zero.
- Twenty-eight applications for FPH licences were disallowed and there is no guarantee from the government that these illegal works won't be retrospectively approved.
- The model developed to assess volumes of FPH in the Macquarie has a 51% error rate upstream of Narromine, which is way too high.
- Climate models used in the FPH assessment only go up to 2009 climate records. They look backwards at past flood patterns, which were smaller more frequent events with only very rare spikes. Climate models looking forward show there will be larger less frequent floods in the future.
- One year accounting with no carry over will mean volumes of take will be limited to one years' entitlement. Five-year accounting with carryover up to 500% would mean a very large portion of a large flood event could be harvested. Five-year accounting with carryover is not acceptable given a future with larger less frequent flood events.
- On top of the issue of licences for 52,537 ML, it is proposed that a further 10,254 ML of water classified as tailwater (or rainfall runoff) exemption can be kept and used. This is unacceptable – all diverted water above the 10% harvestable right must be licenced.
- The volume of FPH proposed to be licenced in the Macquarie is based on how much water can be taken, rather than how much water is needed for critical environmental needs. This does not meet the objects or priorities under the NSW Water Management Act 2000

NAME REDACTED supports the proposed vision in the draft NSW Water Strategy: "sustainable water resources for thriving people, places and ecosystems, both now and for future generations" because healthy rivers, aquifers and wetlands are essential for wildlife, plants and people.

We call on the NSW Government to use the NSW Water Strategy, and in all policy decisions, to give greater priority to the health of our rivers and wetlands. Our laws (the NSW Water Management Act and the Commonwealth Water Act) recognise that repairing the ecological health of NSW Rivers should be of first-order importance.

At the moment too many people are taking too much water from the rivers so there isn't enough left for the environment and to maintain the cultural values of rivers and for downstream communities. Water law in NSW aims to address over-allocation and protect, restore and provide for the ecological values and ecosystem services of the Murray-Darling Basin and improve water security for all uses of Basin water resources. The NSW Water Strategy must match the legislated priorities for water sharing.

First Nations have inherent rights to use and manage waterways, in order to sustain cultural traditions and build sustainable livelihoods for communities. These rights are recognised in international agreements and protocols, as well as in Australia's domestic law and policy. In all water management contexts, Government must address the ongoing denial of First Nations rights and be led by meaningful consultation with, and response to, the needs of Indigenous communities.

We support improved connectivity between rivers, especially flows to the Baaka-Darling River. Connected rivers define a river basin. Rivers must connect for native fish survival and drought resilience. There needs to be end of system flow targets in the rules that establish how water is shared.

We support water management using most recent drought of record to assist in climate adaptation. Climate change is impacting our rivers and wetlands now. We can only work out how to increase our resilience if we use the most up to date scientific data about our water. The Government needs to include data from the most recent droughts when working out how much water to sell to irrigation and incorporate climate predictions into all Water Sharing Plans and Long-Term Watering Plans.

We support investment in purified recycled water for all urban water supplies. As water becomes scarcer our communities must be able to re-use what we have, reducing the demand for water.

We oppose fast tracked new dams and new weirs that destroy river, floodplain and wetland health. Dams are backwards looking technology. Rather than make new water, they deny water to the environment and people downstream.

We do not support exemptions for water use by mining and irrigation industries. A recent Independent Commission Against Corruption report into water management in NSW found the Government favoured irrigation over the environment and First Nations concerns to the point where they were breaking their own laws. It is time for the NSW Government to honour the priorities of the NSW and Commonwealth Water Acts and stop allowing exemptions to the big end of town when it comes to water use.

We need to work within the natural weather systems unique to Australia rather than trying to stop them. Floods are a part of these systems. If we want to soften the impact of the intense rainfall events that are getting worse because of climate change, then we need to help water get back into the soil rather than try to divert and capture in dams the torrents that run off compacted land and worsen erosion. We need to assist land guardians to transition to the regenerative agriculture that increases water infiltration and maintains the crucial groundcover that keep our soils alive and working and refills our aquifers, rather than prioritising building more dams to keep water out of the rivers and grow toxic blue-green algae.

The environment and social devastation wrought by the cascade of criminal mismanagement by successive governments can be remediated. We call on the NSW Government to restore trust in management our river systems and the well-being of her communities, by reclaiming the over-allocation of water to profligate extractors and prosecuting water theft. We call on Government to end the obscenity of water-trading. Water is not a commodity. Water is the vital basis of life, the lifeblood of the natural world, a resource for the productivity of our nation and access to it is a human right for All.