

Submission Guide

Four proposed changes to the NSW Water Management (General) Regulation 2018 Act relating to Floodplain Harvesting

Deadline: Sunday 20 December (midnight)

Lodge submissions at: floodplain.harvesting@dpi.nsw.gov.au

Or do the online submission form at:

<https://app.smartsheet.com/b/form/63b19ce6d9284ff4b60221442ca511da>

More information is available at:

<https://www.industry.nsw.gov.au/water/plans-programs/healthy-floodplains-project/proposed-legislative-amendments>

Key points

Object to the proposed changes to management of water extraction for the irrigation industry.

The draft regulations reflect the recent ICAC findings that: *'the rights of productive water users were given priority over the rights of other stakeholders and that there was a clear alignment between the department's strategies and goals and those of the irrigation industry.'*¹

1. Water Management (General) Amendment (Floodplain Harvesting Exemption) Regulation 2020

Strongly object to this exemption. It has been disallowed twice through the NSW Legislative Council.

No Floodplain Harvesting should be permissible until all works and water take is licenced, metering is in place and Water Sharing Plans have rules that protect the environment, cultural values and downstream communities.

There must be a permanent embargo on Floodplain Harvesting until all regulation is in place.

There is no legal basis under the Water Management Act 2000 (NSW) to the argument that this exemption is required to impose an embargo (ss 323 and 324 of the Act).

2. Water Management (General) Amendment (Exemption for Rainfall Run-off Collection) Regulation 2020

Strongly object to this exemption. It allows free access to rainfall runoff on irrigation fields when no other access to overland flow is available.

This exemption is providing free, unaccounted water access to the irrigation industry across NSW that no other industry has. It exempts the need for a water supply work approval and a water access licence for tail water drains.

All landholders have free access to 10% of rainfall runoff on their property (harvestable right), any capture above that volume must be licenced.

¹ ICAC, Nov 2020. *INVESTIGATION INTO COMPLAINTS OF CORRUPTION IN THE MANAGEMENT OF WATER IN NSW AND SYSTEMIC NON-COMPLIANCE WITH THE WATER MANAGEMENT ACT 2000* p 9

Rainfall runoff take must be consistent with existing harvestable rights orders

[More information at <https://www.industry.nsw.gov.au/water/licensing-trade/landholder-rights/harvestable-rights-dams>]

This exemption is giving the irrigation industry free access to rainfall runoff above the 10% rainfall runoff harvest rule.

The argument that it is too complex to estimate the volume of rainfall runoff from an irrigated field is not accepted.

3. Water Management (General) Amendment (Floodplain Harvesting Measurement) Regulation 2020

It is important that all Floodplain Harvesting is metered as a condition of granting the access licence.

There should be no transition period for small (< 1 GL) or infrequent users. All eligible works must have a meter installed.

Do not accept any exemptions by the Minister. If meters are faulty, no floodplain harvest take should be allowable.

4. Water Management (General) Amendment (Floodplain Harvesting) Regulation 2020

Support that floodplain harvesting is licenced. However, the shares to be licenced must reflect water access that allows the environmental, social and economic benefits of flood flows to be met downstream.

There is no confidence in the modelling used to assess final valley-wide volumes to be shared in individual property licences.

There must be a high level of transparency around the granting of individual water access licences for floodplain harvesting and how the decision was made. This should be published.

Licences must have conditions that recognise environmental and other user needs such as commence-to-pump and cease-to-pump rules. These must relate to downstream flow targets to meet stock and domestic water supply and ecosystem needs.

All licenses must include conditions which provide for Individual Daily Extraction Limits (IDELs) and Total Daily Extraction Limits (TDELs) to protect held environmental water and planned environmental water during overbank flow periods.