



Healthy Rivers Dubbo

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Submission: INDEPENDENT REVIEW OF NSW FLOODPLAIN HARVESTING POLICY IMPLEMENTATION

Introduction

Healthy Rivers Dubbo is a grass roots community group who advocate for healthy rivers and wetlands, and for strong and transparent management of water in the Murray Darling Basin.

We are very pleased to be able to write this submission supporting the Independent Review of NSW Floodplain Harvesting Policy by the INDEPENDENT REVIEWERS TONY WEBER and GREG CLAYDON 08 APRIL, 2019 (the Review).

Overall, we are very pleased to read so much detail about the development of NSW Floodplain Harvesting Policy (the Policy), and congratulate the Department of Industry (the Department) for making this report public and taking a step towards much needed transparency of the process.

There are, however, some very significant impacts that Floodplain Harvesting (FPH) is having on the environment, communities and economies that we would like to draw particular focus to, with the hope that they influence the Department when continuing to implement the Policy to consider wider impact of FPH.

Transparency and Governance

Much information on FPH is not available publicly, or available at all. This report is by far the most detail about the policy development process that has been made available to stakeholders in the public domain.

The 2017 Murray Darling Basin Water Compliance Review found that NSW did not have a strong governance culture, in particular with floodplain history. Healthy Rivers Dubbo is grateful that the Review has highlighted the missed opportunity by the Department to measure and monitor FPH diversions, even when the policy was first published in May 2013. If the Department had even five years of data to inform and assist model calibration and verification of volumetric licences that would have been extremely useful.

Only works constructed on or before 3 July 2008 are eligible for FPH licences. The method for determining what works for that criteria needs to be very transparent. The Review has identified

that levels of on-farm development that existed in the past (ie on 3 July 2008), and the water management behaviours that may have existed then are especially challenging.

The Review has shown the public by way of graphic representation how little usable information was gathered from the Irrigator Behaviour Questionnaires in relation to historic floodplain take – and it is seriously alarming.

The social licence of irrigation in the Northern Murray Darling Basin has been heavily eroded in recent years, and the unquantified impacts of floodplain harvesting on downstream environments has been a very controversial topic. There must be greater use of satellite measuring and monitoring in regards to the estimation of historical floodplain diversions, or else this controversy will be exacerbated.

While the Policy has been “in the making” for more than a decade, there has been no targeted consultation with environmental and community stakeholder groups. The Floodplain Harvesting monitoring and auditing strategy consultation in Narromine, NSW on 5th December 2018 was a packed, emotion filled room. After the meeting, I was asked by one of the facilitators if I would have been comfortable speaking out or asking questions in that room, to which my answer was a strong no.

Within the Review, when stakeholders are mentioned, the reviewers are referring to irrigators. Groups that represent First Nation interest, communities and the environment also have a lot at stake in terms of impact from floodplain harvesting impacts, and warrant more perspective through this review.

Recommendation: there needs to be targeted stakeholder consultation with non-irrigator groups, and more attention given in the Review to the perspectives of environmental stakeholders.

Environmental Downstream Impacts

The cumulative environmental impact of floodplain harvesting (FPH) on downstream river environments, wetlands, and on river connectivity must be assessed.

The INVESTIGATION OF THE CAUSES OF MASS FISH KILLS IN THE MENINDEE REGION NSW OVER THE SUMMER OF 2018–2019 AUSTRALIAN ACADEMY OF SCIENCE 18 FEBRUARY 2019 found that the growth in diversions from the Darling River and its catchments, including the growth in FPH take since the Murray-Darling Basin Cap of 1995, have resulted in reduced annual flow volume in the Darling River by about half. “Number of days of cease to flow and low flow days have increased, increasing the risk of blue-green algal blooms and fish kills”.

Healthy Rivers Dubbo is again grateful for the information provided to the public by way of the Review in relation to the lack of consideration the implementation of the Policy has for the environment. We add, we are alarmed at many of the findings within the Review, such as:

“We conclude that, based on the information available to us, the account management rules, per se, nor any other existing event-based mechanisms, do not protect held environmental water from floodplain harvesting.”

“The models currently represent any residual OBF as a loss and residual return flows are not simulated. These models therefore cannot assist in determined downstream impact as this was not the intent in the modelling. The models were developed to assess volumetric take, not downstream impact.”

The term 'losses' in water accounting describes water that is absorbed and held by the river banks and wetlands, is used by riparian vegetation and wildlife, evaporates as part of the fresh water cycle to later become rain, or recharges our groundwater. Perhaps a more accurate description of this vital water is 'lifeblood'.

This water is called 'Planned Environmental Water (PEW)'. FPH take has been and is currently considered as 'losses' in water accounting. Once FPH volumes are assessed, 'losses' will decrease, and the Baseline Diversion Limits will increase. This is a reduction of PEW, which is not allowed under the 2012 Murray Darling Basin Plan.

Recommendation: A "net" reduction in Planned Environmental Water is not allowable under the Murray Darling Basin Plan 2012.

Healthy Rivers Dubbo is extremely concerned that this Review seems to have accepted the Department's position that the Baseline Diversion Limit (BDL) influences the Sustainable Diversion Limit (SDL).

Recommendation: The SDL should not be increased to incorporate FPH volumes. Extractions from other sources should be reduced so that when the new FPH volumes are included, the SDL remains the same.

Cultural and Social Downstream Impacts

The cultural impacts of FPH on downstream First Nation communities who are guardians of their rivers must be considered before the assessment of licensable volumes. Many indigenous communities report higher rates of crime, substance abuse and premature death when the rivers that have sustained their lives and cultural practices are not flowing.

The social impacts of FPH on small communities downstream of developments must be assessed. When river health declines, the social health of communities declines. There are less recreational opportunities, and fewer places of beauty in a community when the rivers are dry. As town water supplies become less reliable, sporting amenities, playgrounds and parks suffer. In western NSW, Walgett residents were unable to use kidney dialysis machines. Collarenebri and Menindee rely on donated drinking water from the public.

Recommendation: There needs to be an assessment of the cumulative impact of FPH on downstream communities.

Economic Impacts

There was no assessment of the significant financial advantage to irrigators of having access to vast, unmeasured volumes of floodwater for free in the work done by the MDBA for the Northern Basin Amendments.

The impact of FPH on the ability of downstream floodplains and wetlands to support long established agriculture activities must be assessed.

The Review presents the 500% account limit as an important control to prevent a very large account balance from building up during dry periods. Healthy Rivers Dubbo asserts that the 500% carry over rules ENABLES very large account balances to accrue during dry spells.

Recommendation: the 500% carryover entitlements will allow very large accounts to accrue in the inevitable dry periods between floods, and should be abolished.

The impact of the growing wealth divide in regional communities in the Northern Basin needs to be better understood, for example how much of the personal and corporate profits enjoyed by the irrigation industry actually translates to economic activity in local irrigation communities?

The financial benefit of new FPH compensable property rights will increase personal and corporate profits and mortgageable asset values of irrigators, by way of the public purse.

The issuing of brand new personal tradable compensable property rights will be the largest hand out of wealth of its type since the hand out of water access licenses in the early 1990's. The correct volumes of FPH access to be licenced must be transparently and accurately determined beyond any reasonable doubt BEFORE the issuing of tradable, compensable property rights. Adjustments made to volumes once FPH licences are issued could leave taxpayers liable for financial compensation being paid to irrigators – an unacceptable outcome that must be avoided.

Recommendation: The Review could be a lot stronger and clearer in pointing out that any adjustments made to FPH licences AFTER the new compensable property right licence has been issued will likely lead to the taxpayer being liable to compensate the irrigator.

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