



AUSTRALIAN FLOODPLAIN ASSOCIATION

Healthy Rivers - Healthy Communities



By email to: regionalwater.strategies@dpie.nsw.gov.au

13th July 2022

The Australian Floodplain Association takes this opportunity to repeat we cannot support any Water Sharing Plan, Water Resource Plan nor Regional Water Strategy that aims to lock-in unsustainable levels of additional floodplain harvesting take.

As a Peak Body comprised of floodplain and wetland landowners, indigenous groups, shire councils, local businesses and members of rural and remote communities dependent on healthy rivers, floodplains and wetlands, the AFA represents a far wider range of interests than the irrigation sector. Collectively we also care for and manage a far greater area of country than the intensive irrigation sector.

The fact that the NSW government refuses to comply with its own legislation and uphold the hierarchy of water management principles as set out in s5(3) of the NSW Water Management Act 2000 is infuriating. We are tired of repeatedly expressing our deep concerns about fundamental flaws and biases; and our views and well-formulated advice consistently being ignored in stakeholder “engagement” and “consultation” processes.

The AFA strongly supports all measures that improve outcomes for river health, native fish, waterbirds and wetlands. As a general principle we advocate looking after the river, so that the river can provide for people and communities. We remind DPIE that the Barwon-Darling is listed as an endangered ecological community. It must be restored to health. Protection of flood events and improved water management are critical.

Once again, we see the fundamental issue of *connectivity* unacknowledged in the Western RWS. The Barwon-Darling must connect with the Lower Darling. The Northern Basin must connect with the Murray system via the entire length of Barwon-Darling-Baaka. The river must connect with its floodplains and distributary streams. Surface water must connect with groundwater sources.

Once again, we state our unequivocal opposition to any new floodplain harvesting take and compensable licences anywhere in the Northern Basin. Floodplain harvesting in the Barwon-Darling captures 10 - 15% of the total water taken from the river. Again we restate our support for a reduction in floodplain harvesting volumes, the removal of inappropriately located floodplain levees and strong rules to protect the environment.

The Australian Floodplain Association (AFA) is a non-government organisation, established in 2006. It represents floodplain and wetland landowners and their communities who depend on healthy rivers, floodplains and wetlands. Its membership resides predominantly within the Northern Murray-Darling Basin and includes floodplain graziers, community groups and shire councils.

With regard to floodplain infrastructure, no new FPH works licenses should be granted until all unapproved and so-called 'hotspot' works are removed or modified to the satisfaction of the regulator. Protection of Held Environmental Water including from Qld must be rigorously enforced with harsh penalties. Current penalties for non-compliance are woefully inadequate and do not set the required example.

There are no circumstances under which the AFA will support trading of FPH entitlements.

We categorically reject the proposed 500% carryover rule. However, we do support annual accounting with no carryover. The Barwon-Darling is a boom and bust system and such reliability for a single sector is unacceptable.

We support the following elements of the Western RWS:

We emphatically *support* commitment 2 to fully implement Floodplain Harvesting reforms. To be fair and equitable to all there can be no 500% carryover and no rainfall runoff exemption. Furthermore the volume licensed must be consistent with the SDL and Plan limit – ie a maximum of 16.5GL

We strongly *support* those measures that improve outcomes for river health, native fish, waterbirds and wetlands (commitments 3, 4, 23, 24, 25, 26,27, 28, 29 and 44)

We strongly *support* commitments that improve First Nations capacity, engagement, and employment in water management; that recognise the significance of cultural knowledge and improve cultural outcomes. (commitments 1 and 16-22)

We strongly *support* all options that reduce water consumption in towns and industry. More efficient use of water is critical to achieving sustainable communities in a climate future with less available water (options 5, 6, 7, 12,13, 14) In our view, reducing and managing water demand should be the priority and main objective of the Western Regional Water Strategy.

We do *not support* increased dependence on groundwater sources. Rivers need to connect with underlying aquifers for recharge, springs etc. We hold a strong view that connected systems be managed as one unit.

We *support* options 30-35 that aim to improve water quality and options 36-43 to improve water information.

With the exception of Wilcannia, we *strongly oppose* options 11 and 48. In-stream structures should be removed. The AFA supports the construction of covered (solar panels!) off-stream storages to replace ageing town water supply weirs.

Regarding Commitment 5 – North-West flow targets – the AFA opposes any targets that fail to meet Environmental Watering Requirements under the Murray Darling Basin Plan Long-term Watering Plan

We oppose the plan to reduce the size of Menindee Lakes. The community has made its views on how the MLS system should be managed abundantly clear. NSW government needs to stop ignoring the local expert advice of those who will actually have to live with the decisions made. Managing the Barwon-Darling must not be driven by politics and influential donors. Increased transparency and accountability are needed.

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Our comments regarding an insultingly low threshold trigger of 195GL for MLS are on the public record. To ensure reliable supplies we support and strongly advocate for much larger and realistic threshold of 450GL in the MLS together with a flow of 30,000ML/day for 15 consecutive days at Wilcannia.

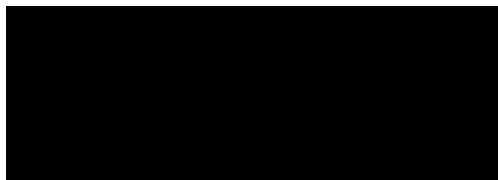
Finally, the AFA contends that in this Strategy, NSW is seriously under-estimating the impacts of predicted climate change. They are not a worst-case scenario but very likely to eventuate. Local landholders are already witnessing changes in rainfall and other weather patterns. Increased evaporation, increased average temperatures, more extreme heat days and longer droughts *will* decrease Inflows to the Barwon-Darling in the decades ahead - by up to 42%.

Any strategy that fails to incorporate these predictions into its modelling and scenario planning is doomed to fail.

Any government that chooses to deliberately and wilfully ignore vital scientific information and research deserves contempt.

There is nothing confidential in our submission and we consent to any part of it being made public.

Yours sincerely,





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Healthy Rivers - Healthy Communities

By email to: floodplain.harvesting@dpi.nsw.gov.au

8th July 2022

Response to Draft Barwon - Darling Water Sharing Plan

The Australian Floodplain Association takes this opportunity to repeat we cannot support any Water Sharing Plan, Water Resource Plan nor Regional Water Strategy that aims to lock-in unsustainable levels of additional floodplain harvesting take.

As a Peak Body comprised of floodplain and wetland landowners, indigenous groups, shire councils, local businesses and members of rural and remote communities dependent on healthy rivers, floodplains and wetlands, the AFA represents a far wider range of interests than the irrigation sector.

The fact that the NSW government refuses to comply with its own legislation and uphold the hierarchy of water management principles as set out in s5(3) of the NSW Water Management Act 2000 is infuriating. We are tired of repeatedly expressing our deep concerns about fundamental flaws and biases; and our views and well-formulated advice consistently being ignored in stakeholder “engagement” and “consultation” processes. We use those terms extremely loosely.

The NRC noted the Barwon-Darling River was approaching ecological collapse during recent intense and prolonged drought conditions. The volume for FPH in the Barwon Darling valley in the 2012 WSP was 16.5GL. The same figure was used for development of the MDB Plan. But the proposed new FPH entitlements are 51GL – more than 3 times the Plan volume. This is an outrageous and completely unacceptable claim.

Our members and others along the length of the river have been able to see this disaster coming for years. Extraction from the Barwon-Darling has breached the Sustainable Diversion Limit in 2019 and 2020 as well as breaching the MDB Cap.

We do not believe that new FPH licenses can possibly keep extraction below the Plan Limit,

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We do not support the exemption for rainfall runoff – ALL water must be accounted for.

We categorically reject the proposed 500% carryover rule. This will cause loss of key flood flows for downstream wetlands, groundwater recharge, basic landholder rights, town water supplies and First Nations people's cultural values. However, we do support annual accounting with no carryover. The Barwon-Darling is a boom and bust system and such reliability for a single sector is unacceptable. So too is a Plan built on and that seeks to lock in a history of inequitable and unsustainable use.

There are no circumstances under which the AFA will support trading of FPH entitlements.

With regard to floodplain infrastructure, no new FPH works licenses should be granted until all unapproved and so-called 'hotspot' works are removed or modified to the satisfaction of the regulator. Further, the AFA opposes the licensing of works to take FPH in Zones A and D.

We also strongly oppose the licensing of natural lagoons or drought refugia to take FPH water.

Access rules are arguably our most pressing concern. Given DPIE's inability to apply meaningful targets backed by science, it is the most contentious. Again, we stress the need for NSW to comply with its own legislation and the hierarchy of water use principles. It is our understanding that sound recommendations from both OEH & DPIEW have been overruled by politics.

The AFA strongly objects to the proposed FPH access trigger of 195 GL in the Menindee Lakes Scheme. This figure is presented without any supporting evidence, and has been confirmed as storage held *across all lakes*. The reality is that this represents only 25GL of active water, a truly insulting trigger.

The proposed 195GL trigger also makes a mockery of the First Flush Rules. The figure of 30,000ML continuous flow at Bourke *inclusive of* Held Environmental Water is in itself a disappointing outcome.

In our view, 480GL of *active water* – as proposed by then Minister Pavey at a meeting in Menindee - is a more realistic starting point for negotiations. We find it extremely disappointing that the Government/Department has stepped away from this commitment.

Records show that from 1979-2002, the MLS volume remained above 195GL. From 2002 onwards, due to increased extraction upstream, drought and new operational policies / procedures the level has fallen below this threshold frequently - and increasingly often.

In December 2017 the MLS storage held 307GL of available water. A year later the first of several fishkills occurred.

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It is beyond belief that DPIE could forget this. The Australian public certainly won't. We conclude that the ministers office chooses to ignore the facts. But we won't. We take the risks to the riverine ecology, local residents and local communities extremely seriously.

The community demands a realistic and appropriate target storage threshold for the Menindee Lakes Scheme based on science and recent history. It is our strong view that the long-term historical record will be increasingly irrelevant as climate extremes intensify. What is required are meaningful and measured strategies to ensure connectivity along the entire length of the Barwon-Darling and overall system health. We are weary of vague statements of intent while extraction is increased yet again.

This proposed trigger of 195GL offers no drought protection and will cause great social and ecological damage. The AFA endorses the view of the Wentworth Group of Concerned Scientists based on careful analysis of historic records, that an MLS trigger of 450GL of *active water* is required to ensure higher priority environmental and downstream needs can be reliably met. We also agree with their conclusion that additional, realistic triggers are required in upstream tributary Plans and must be enshrined in legally binding WRPs.

Furthermore, there should be no FPH access under resumption of flow rules. These need to be strengthened to protect higher end-of-system flows in the Barwon-Darling's NSW tributaries ie the Border Rivers, Gwydir, Namoi and Macquarie valleys.

Rules must also ensure Held Environmental Water from all the northern tributaries are protected from extraction.

The AFA also supports strong amendment provisions to enable FPH rule changes without triggering compensation. Irrigators were handed valuable windfalls in the form of property rights in water. Taxpayers should not have to stump up again when other water users face such inequitable access to it.

We reiterate our strong and consistently held view that to be Cap, SDL and Basin Plan compliant there can be no additional FPH licences and no increase in FPH take *anywhere* in the northern Basin.

We conclude by taking this opportunity to remind the NSW Government that from the late 1970's to the early 2000's it was, in our view, quite accurate to describe Queensland as the MDB's "cowboy state". Its water management utterly failed to reflect an equitable outcome for all stakeholders – including NSW water users.

It is without any doubt whatsoever that NSW now owns that title. Even the fish kills at Menindee, plus two damning reports that investigated that event, and the unprecedented recommendations on water management in NSW from Mr Ken Matthews have not changed the attitude of water managers - and we assume their political masters. In our view this represents a damning indictment of the state of water governance in NSW.

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We are tired of the NSW Government's continual recalcitrance and refusal to act in the national interest. We demand water planning and management for all.

There is nothing confidential in our submission and we consent to any part of it being made public.

Yours sincerely,



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