



Australian Government

Commonwealth Environmental Water Office

Ms Cate Faehrmann MLC
Chair
Legislative Council Select Committee Inquiry into Floodplain Harvesting
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

Re: Floodplain Harvesting

Dear Ms Faehrmann

I am writing in response to the call for submissions to your inquiry into floodplain harvesting in NSW.

The Commonwealth Environmental Water Holder (CEWH) is a statutory position established under the *Water Act 2007* (Cth). The CEWH is responsible for managing the Commonwealth holdings of environmental water and is a part of the sustainable management of the Murray-Darling Basin's water resources over the long-term, for environmental, social and economic outcomes.

I would like to provide you with information in relation to your Terms of Reference, item (c) *how floodplain harvesting can be licensed, regulated, metered and monitored so that it is sustainable and meets the objectives of the Water Management Act 2000 and the Murray Darling Basin Plan.*

Firstly, I would like to underscore the importance of bringing floodplain harvesting into a regulated and licenced framework. It is vital to have effective policies, measurement and compliance in place to ensure take remains under the agreed limits. This is in the best interests of all water users and the communities that rely on our rivers.

Floodplain harvesting access is by nature opportunistic. There has been significant growth in floodplain storage capacity over recent decades and proper regulation is long overdue. Therefore, any floodplain harvesting licences should be legislated as the lowest priority of take. This is particularly important given its impacts on downstream users and communities in connected river systems.

Rules governing water access priorities should not cease at administrative boundaries – they should be applied consistently across hydrologically connected water sources. For example, critical downstream human and environmental water needs should be met before lower priority upstream needs, including floodplain harvesting.

Basin community confidence is essential for effective water resource management. Consistent with the NSW *Water Management Act 2000* and the *Murray-Darling Basin Plan 2012*, the NSW government could demonstrate its commitment by developing, in consultation with stakeholders, water sharing arrangements that protect the hydrological connection of floodplain flows across the Basin. This should include a clear set of integrated rules, that protect the interests of all water users, including the environment.



I strongly support action to develop a suite of legislated water sharing arrangements that operate with floodplain harvesting rules to achieve the downstream outcomes many stakeholders are seeking. The proposed floodplain harvesting rules on their own do not provide such protections, particularly following extended dry periods.

It will be critical the NSW government demonstrates in practical terms, perhaps using case studies, how floodplain harvesting will be rigorously measured and monitored to allow effective compliance activities. The CEWO is aware of the compliance challenges of this form of take, which highlights the importance of integrating floodplain harvesting regulation with other rules to protect downstream outcomes.

I have attached a paper outlining key principles required for floodplain harvesting. Please note the Murray-Darling Basin Authority published a [position statement on floodplain harvesting](#) in 2019 that you may also find useful. Please do not hesitate to contact me should you require further information. I can be contacted on 6275 9245 or via email at Hilton.Taylor@awe.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Hilton Taylor', with a long, sweeping flourish extending to the right.

Hilton Taylor
A/g Commonwealth Environmental Water Holder
13 August 2021