

Meeting 56 HFP Review Committee

Held on: 11/05/2022 – 9.30am to 10.30am

At: via TEAMS

Chaired by: [REDACTED] [REDACTED] Independent Chair

Attended

Committee

1. [REDACTED] [REDACTED] – Independent chair of the Healthy Floodplains Review Committee
2. [REDACTED] [REDACTED] – Local Irrigator and landholder Moree
3. [REDACTED] [REDACTED] – Nature Conservation and landholder Mudgee Council
4. [REDACTED] [REDACTED] – NSW Farmers Association and landholder Liverpool Plains

Department of Planning and Environment – Water Group

1. [REDACTED] [REDACTED] – Principal Project Officer, Licencing
2. [REDACTED] [REDACTED] – Director, Healthy Floodplains project
3. [REDACTED] [REDACTED] – Principal Water Regulation Officer
4. [REDACTED] [REDACTED] – Senior Project Officer
5. [REDACTED] [REDACTED] – Senior Project Officer
6. [REDACTED] [REDACTED] – Project Officer

Apologies

1. [REDACTED] [REDACTED] – advisory to the committee
2. [REDACTED] [REDACTED] – alternate member (NSWFA)
3. [REDACTED] [REDACTED] – Manager, Licencing and Approvals
4. [REDACTED] [REDACTED] – Manager, Modelling

Agenda item discussion and actions

No.	Discussion	Action	Status
1	Acknowledgement of Country		
2	<p>Welcome from the Chair</p> <p>Meeting opened at 9.34am.</p>		
3	<p>Declaring conflicts of interest for this meeting</p> <p>Nil declared.</p> <p>Noted [REDACTED] has a standing declaration. As per previous meeting:</p> <p>[REDACTED] [REDACTED] declared his [REDACTED] work for [REDACTED] [REDACTED]. Also, [REDACTED] [REDACTED] is owned [REDACTED], a cousin (note this submission was not discussed at this meeting). [REDACTED] declared no financial interests in either.</p>		

No.	Discussion	Action	Status
4	<p>Endorsement of draft minutes from Meeting 55</p> <p>█████ had a question for █████ in relation to G117 from meeting 55. Followed up when █████ joined the meeting (see below).</p> <p>█████ moved that the draft minutes are a true record of the meeting.</p> <p>█████ seconded.</p> <p>█████ endorsed.</p> <p>█████ joined meeting after N050 was discussed. █████ asked if █████ was comfortable with the decision made at meeting 55 that G117a had no standing before the committee.</p> <p>█████ explained his reasoning behind G117a having no standing before the committee as a decision had already been made in accordance with the audit of eligible works process, so it is not possible to re-open the submission.</p>	<p>Meeting #55 minutes adopted.</p>	

Submission on audit of eligible works

N050 [REDACTED]

[REDACTED] moved that the committee supports the department's analysis of N050 and recommends the submission is not supported.

[REDACTED] noted when the map was digitised, it didn't include the storage dam and asked if there was a reason for that.

[REDACTED] asked [REDACTED] to join the meeting to answer [REDACTED] question.

[REDACTED] commented that the submission by the landholder stated that the relevant approval did not specify the storage.

[REDACTED] commented that the amendment to regulation which clarified the eligibility criteria mentioned 'related and connected'. Our policy interpretation of that is the work to be related or connected must be within the footprint of an existing approved work, because that was always the department's licencing practice. It was only the outside wall of the storage that required an approval because that is the work that was capable of affecting the flow of water to or from a river. If it was outside the existing footprint, it would require a Part 8 approval.

[REDACTED] expressed his disappointment that people have thought their works are eligible until the final step of the process and then have been notified they're ineligible.

[REDACTED] expressed that there are some viewpoints that the department could have been more rigorous in assessing entitlements.

[REDACTED] considered issue [REDACTED] raised but concluded the department has dealt with this correctly and is supportive of the recommendation.

[REDACTED] supports the department's recommendation.

[REDACTED] [REDACTED] joined the meeting.

Committee supports departments analysis of N050 and recommends the submission is not supported.

No.	Discussion	Action	Status
	<p>N120 [REDACTED]</p> <p>[REDACTED] moved that the committee supports the department’s analysis and recommends the submission not be supported.</p> <p>[REDACTED] supports department’s position.</p> <p>[REDACTED] supports department’s position.</p> <p>[REDACTED] supports department’s position.</p>	<p>Committee supports department’s analysis of N120 and recommends the submission is not supported.</p>	
	<p>N146 [REDACTED]</p> <p>[REDACTED] moved that the committee supports the department’s analysis and recommends the submission not be supported.</p> <p>[REDACTED] supports department’s position.</p> <p>[REDACTED] supports department’s position.</p> <p>[REDACTED] expressed this submission is much the same as others where the paperwork wasn’t up to date, so need to adhere to the department’s policy. [REDACTED] supports department’s position.</p>	<p>Committee supports department’s analysis of N146 and recommends the submission is not supported.</p>	

No.	Discussion	Action	Status
	<p>N164 [REDACTED]</p> <p>[REDACTED] moved that the committee supports the department’s analysis and recommends the submission not be supported.</p> <p>[REDACTED] supports department’s position.</p> <p>[REDACTED] supports department’s position.</p> <p>[REDACTED] commented that there was consultation with the department and the landholder wasn’t aware that he needed an application.</p> <p>[REDACTED] clarified that the licencing representative consulted with the landholder and provided paperwork for the landholder. The landholder didn’t complete the application.</p> <p>[REDACTED] supports department’s position.</p> <p>[REDACTED] asked about the FPH storage 2 that looks like it’s outside the levee bank. Does it have a standing approval?</p> <p>[REDACTED] clarified that the committee’s purpose is to determine the outcome for the FPH storage 4.</p> <p>[REDACTED] asked if FPH storage 2 was missed.</p> <p>[REDACTED] will provide a response out of session.</p>	<p>Action 56.1: [REDACTED] to provide committee members with information on N164 FPH storage 2</p> <p>Committee supports departments analysis of N164 and recommends the submission is not supported.</p>	<p>Action 56.1: Complete. [REDACTED] clarified in the meeting that the there was an approval in place for storage 2.</p>

5 Other business

BD018 [REDACTED]

The committee was awaiting advice before making a decision. The advice was received 10 May.

[REDACTED] commented the advice doesn't change her position, which is to support the department's position.

[REDACTED] supports the department's analysis that FPH storage doesn't meet the criteria for floodplain harvesting.

[REDACTED] agrees department has dealt with this submission in accordance with the policy.

[REDACTED] supports the department's decision

Clarification on status of eligible works

[REDACTED] noted that the eligibility submissions the committee looked at today were for the Lower Namoi. [REDACTED] asked if the committee were to make a decision on the Upper Namoi submissions later.

[REDACTED] answered that the only submissions that were received were for the Lower Namoi and the whole Namoi is now considered complete.

[REDACTED] asked how many properties were deemed ineligible in the Namoi.

[REDACTED] answered there were 10 letters sent out informing landowners that the works [REDACTED] ineligible, and four submissions received back.

[REDACTED] asked if the Barwon Darling audit of eligible works is complete.

[REDACTED] answered it was complete.

[REDACTED] asked how the Lagoons used as storages meet the criteria and are therefore considered eligible.

Outcome: Committee supports departments analysis of BD018 that the Floodplain harvesting storage 1 does not meet the eligibility for floodplain harvesting.

No.	Discussion	Action	Status
	<p>█ answered that there was an amendment to the policy a couple of years ago to include storages that weren't already authorised for the take of unregulated flow.</p> <p>█ clarified that they either had an approval prior to 3 July 2008 or didn't require an approval. The eligible works needed to have a Part 2, Part 5 or Part 8 approval. There would've been an approval in relation to Part 2 for the pumps, pipes and other taking infrastructure. There potentially was in relation to other structures that were there but they weren't Part 8 approvals.</p> <p><u>Upcoming consultation</u></p> <p>█ asked for an update on the upcoming consultation in the Barwon-Darling.</p> <p>█ answered consultation would be in June rather than May.</p> <p><u>Non-consensus report update</u></p> <p>█ raised that █ wants to meet with the committee to discuss the non-consensus matters in a couple of weeks. This will cover the Macquarie and Barwon-Darling modelling, audit of eligible works matters from Macquarie, unregulated matters in the Namoi and some unresolved works in the Namoi.</p>	<p>Action 56.2: █ and █ to collate non-consensus reference materials and email to committee members.</p>	<p>Action 56.2: Complete. █ emailed committee materials 11.05.22.</p>
6	Meeting close - 10.24am		

Upcoming meetings

8 June 2022