

## Details

**Meeting:** Healthy Floodplains Review Committee

**Location:** Teleconference

**Date/time:** Wednesday 28 June 2021  
8.30am – 9.45am

**Chairperson:** [REDACTED]

## People Present

### Committee:

1. [REDACTED] Independent Chair of the Healthy Floodplains Review Committee
2. [REDACTED], NSW Nature Conservation Council and landholder Mudgee
3. [REDACTED], NSW Irrigation Council, local irrigator and landholder Moree
4. [REDACTED], NSW Farmers Association and landholder

### Guests:

5. [REDACTED], Advisor to the Committee
6. [REDACTED], Policy and Environment, NSW Farmers Association (alternate member to [REDACTED])

## Apologies

[REDACTED], Manager Floodplain Harvesting

## DPIE-Water Healthy Floodplains:

7. [REDACTED], CEO NSW Water Sector
8. [REDACTED], Executive Director Regional Water Strategies
9. [REDACTED], Director Healthy Floodplains Project
10. [REDACTED], Principal Project Officer
11. [REDACTED], Senior Project Officer
12. [REDACTED], Senior Project Officer
13. [REDACTED], Senior Water Regulation Officer
14. [REDACTED], Project Officer (minutes)
15. [REDACTED], Senior Project Officer

## This meeting

No.	Issue	Action	Responsible
1	<p>Introduction [REDACTED]</p> <p>Committee has been operating since 2013, with several changes. The Committee is reasonably stable, thanked the Department for patience, dedication and being respectful to needs of Committee.</p>		
2	<p>Introduction [REDACTED]</p> <p>Thanked the Committee and appreciates the significant work that the Committee has done.</p>		
3	<p>[REDACTED] – NSW Irrigation Council</p> <p>Whilst he had concerns of the amount of allocations to groundwater only users compared to downstream river operators’ users, he agreed with decisions made by the Department. The terms of reference for the Committee were applied and all landholders had been treated equally.</p> <p>The Department has made considerable effort in assessments by use of satellite imagery to assess conditions from around 30 years ago. The process and decision making has been thorough, professional with the best available information.</p>		
4	<p>[REDACTED] NSW Nature Conservation Council</p> <p>Concerns outlined in recent correspondence to the Department.</p> <p>There are concerns about the process for unregulated entitlements proposed. The process has not considered the capacity of the infrastructure. The original volumetric conversion done for unregulated properties is vastly different from the current- there is larger land and larger entitlements.</p> <p>The use of the satellite imagery to calculate entitlements was not for 2008 and there is a lack of rainfall data. Due to the precautionary principle and the impact on environmental considerations, the NSW Nature Conservation Council cannot endorse the outcomes of this process.</p>		

No.	Issue	Action	Responsible
5	<p>██████████ – NSW Farmers Association</p> <p>Unaware that he was required to make a case this morning, therefore rely on previous written submission to the Department.</p> <p>Due to only joining the Committee at the beginning of the year, have relied on briefings, looking at floodplain harvesting policy, the Committee terms of reference, looking for fairness and equity and mainly looking at returning submissions and were a cross section of the submissions. It is not the ‘gold standard’ that the tax review achieved.</p> <p>Concerned about the use of satellite images to determine cropping when a lead consultant (██████████) stated that satellite imagery can’t be relied upon.</p> <p>Concerned that Floodplain Management Plans show irrigated area and when tested against properties showed a different area than the submissions. Other errors for the methods. Volumetric conversion method does not reach fairness and equity.</p> <p>Still in a position to understand the effect of the modelling (not the non-consensus issue before ██████████). Aiming for 1 or 2 more sessions with ██████████ and ██████████ to understand before issuing written response to the Department.</p>		
6	<p>██████████ – Independent Chair</p> <p>Supported recommendations and review of submissions.</p> <p>Whilst the 2000 method information is a not as sophisticated as it could be due to the lack of available data, however the Committee is beholden to review the evidence and apply the Department policy. It may not be his opinion but has followed the process and terms of reference.</p> <p>The Committee has sought legal advice where required to support their decisions and has used Statutory Declarations for information at the property 25 years or greater ago. The Committee has dealt with best evidence available.</p>		

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██████████

The regulated system (that uses hydraulic models) is the majority of the submissions. The unregulated submissions are smaller in number and confined mainly to the upper Namoi. The volumetric conversion process has been used for the unregulated submissions.

The remote sensing methodology has been reviewed internally and the view is that the irrigated and non-irrigated areas can be identified clearly (circulated methodology paper).

The unregulated volumetric conversion process has used remote sensing as the user survey could not be replicated as it was 25 to 30 years ago. It is a single, verifiable line of evidence that the policy requires. Internal advice is that it is robust and able to distinguish irrigated from non-irrigated cropping based on satellite images.

Whilst it is recognised that the regulated /modelling approach is superior as it considers capability assessment, the policy of 2013 nominates that a repeat of the volumetric conversion process must be used for unregulated properties. It is recognised that this is inferior to the modelling process however this is what the policy requires. The unregulated submissions are a smaller subset of the total properties assessed for floodplain harvesting. It is this subset that is the subject of non-consensus.

██████ asked ██████ - What is the expertise of the Department staff undertaking the remote sensing analysis?

██████ – The Remote Sensing Analyst are qualified staff that work collaboratively across Australia including the Commonwealth government, Qld, Vic State government, the MDBA and the Geoscience Group. The Remote Sensing Analyst have a wide peer network, they are published, experienced and qualified experts. The methodology paper was produced by the Lead Remote Sensing Analyst.

No.	Issue	Action	Responsible
8	<p>Discussion on non-consensus</p> <p>█ confirmed via the chair that as two of the committee members had reached a non-consensus for the 25 unregulated properties, it is now referred to the CEO Water Group to determine.</p> <p>█ – The problem of using satellite images was raised by █ in April 2021. The satellite images used in the year 1997, 1998 and 1999 were showed weeds, dryland corps and irrigated crops. Flood studies show parts of the property do not have access to irrigation.</p> <p>█ – █ is an Irrigation Engineer, has experience in interpreting satellite images but is not a remote sensing professional. The flood studies do not lay out irrigated area.</p> <p>█ - emailed █ on 7<sup>th</sup> April email, and at other times and has only recently received a reply. Reiterates his knowledge and that in the years of 1997, 1998, 1999 weeds and dryland areas are included in many of the submissions.</p> <p>█ raised probity of project and will write to █ separately, which will take some time</p> <p>█ asked if there were any other issues/comments regarding the non-consensus:</p> <p>█ - other Committee members have not been privy to NSW Farmers Association or the NSW Nature Conservation submission. The Committee has referred the non-consensus properties to you.</p> <p>█ – Unregulated analysis included reference to remote sensing imagery at different times of the year to verify crop growth.</p> <p>█ - Reiterated that in the methodology paper mentions the limitation of rainfall factor. Considers that more than one line of evidence should be used.</p>		

No.	Issue	Action	Responsible
9	<p data-bbox="233 405 459 439">Other Business</p> <p data-bbox="161 456 981 786">9.1 [REDACTED] raised concerns of the model using supplementary water – AWD for cutting back to 50 and 75% reduction, not using metered data. Using the model to predict long term take not necessarily what has been taken. Some properties only rely on supplementary, and don't have general security licence, affecting some people more than others. Although a State-wide policy, only affecting northern users at this stage.</p> <p data-bbox="233 804 1007 913">MDBA cap is only an estimate from floodplain harvesting and assumes that the cap is exceeded, but not always the case due to constraints.</p> <p data-bbox="233 931 981 1111">Environmental water is assumed to be taken but not always the case as it stays in system to wetlands in low events and rivers in high events. Every event is different, and model is not considering the individual event.</p> <p data-bbox="233 1128 900 1167">[REDACTED] – requests [REDACTED] to put concerns in writing.</p>	<p data-bbox="1031 1088 1254 1198">[REDACTED] to write to [REDACTED] outlining concerns.</p>	<p data-bbox="1310 1088 1385 1133">[REDACTED]</p>

No.	Issue	Action	Responsible
9.2	<p>█ enquired how the changes in the Department modelling would be integrated into other Statutory plans e.g. Floodplain Management Plans, Water Resource Plans, Water Sharing Plans?</p> <p>█ advised for the Water Resource Plan that one fundamental concern raised by MDBA which is being addressed separately, not in relation to modelling.</p> <p>█ advised that models are not static, constantly updated. Hydraulic model has not changed through this process, however there is greater information on flood flow break out levels for floodplain harvesting. When Floodplain Management and Water Sharing plans are due are for review stage (at 5 years) and remake (at 10 years), the information will be applied.</p> <p>The published floodplain harvesting reports Border Rivers and Gwydir will be updated to reflect the recent model information. The other valley reports to be published will be on current information.</p> <p>Once modelling for all valleys complete the Department is required to submit the models as part of the Water Resource Plans to the Commonwealth for assessment and accreditation. They give rise to a change in the BDL and MDBA has responsibility for this (see website for further information).</p>		
9.3	<p>█ advised that in addition to the first probity review undertaken at the commencement of the project, a second probity review is now underway.</p> <p>█ requested the terms of reference for the current probity review.</p>	Department to provide terms of reference for probity review	█
9.4	<p>█ enquired about continuation from the 30 June 2021?</p> <p>█ will respond to Committee but advised for committee to seek possible endorsement from respective organisations.</p>	The Department to provide information to Committee as soon as possible	

Thanks, and meeting closed

9.45am