

## Meeting 58 HFP Review Committee

Held on: 6/12/2022 – 8.30am to 9.45am

At: via TEAMS

Chaired by: [REDACTED], Independent Chair

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### Attended

#### Committee

1. [REDACTED] – Independent chair of the Healthy Floodplains Review Committee
2. [REDACTED] – Local Irrigator and landholder Moree
3. [REDACTED] – Nature Conservation and landholder Mudgee
4. [REDACTED] – Agricultural representative as nominated by NSW Farmers Association
5. [REDACTED] – advisory to the Committee
6. [REDACTED] – alternate member (Agricultural representative)

#### Department of Planning and Environment – Water Group

1. [REDACTED] – Principal Project Officer, Licencing
2. [REDACTED] – Senior Project Officer
3. [REDACTED] – Project Officer

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### Apologies

1. [REDACTED] – Director, Healthy Floodplains project
2. [REDACTED] – Principal Water Regulation Officer

### Agenda item discussion and actions

No.	Discussion	Action
1	Acknowledgement of Country	
2	<p><b>Welcome from the Chair</b></p> <p>█████ asked if it was normal practice for the Committee to discuss matters with landholders from a procedural fairness perspective.</p> <p>█████ explained that the review process in the NSW Floodplain Harvesting Policy allows affected landholders to meet with the Committee to have their perspective known. The opportunity has been afforded to all ROI applicants.</p>	
3	<p><b>Declaring conflicts of interest for this meeting</b></p> <p>Nil declared.</p>	
4	<p><b>Endorsement of draft minutes meeting 57</b></p> <p>█████ moved that the draft minutes meeting 57 are a true record. █████ seconded.</p>	<b>Outcome:</b> Meeting 57 minutes adopted.

No.	Discussion	Action
5	<p><b>Project update</b></p> <p>Statements of approval for floodplain harvesting works in the Macquarie Valley were released. There were 72 affected properties.</p> <p>Macquarie and Barwon-Darling licensing is planned to be finalised in late January/ early February 2023.</p> <p>Draft entitlements for the Namoi are to be released before the state election caretaker period begins (3 March 2023).</p> <p>The floodplain harvesting project is due to be finished by 30 June 2023, however that may be influenced by legal challenges.</p>	
6	<p><b>Preliminary determination of ineligibility for committee endorsement [REDACTED]</b></p> <p>[REDACTED] (landholders) and [REDACTED] (solicitor / spokesperson) joined the meeting.</p> <p>The department’s recommendation is that [REDACTED] should be considered to be ineligible for floodplain harvesting consideration because:</p> <ol style="list-style-type: none"> <li>1. the take of water on [REDACTED] as of 3 July 2008 was authorised by surface water authority [REDACTED]. Such take does not conform with the definition of floodplain harvesting prescribed in the Water Sharing Plan of the Barwon Darling Unregulated and Alluvial Water Sources.</li> <li>2. There is no evidence that there were works installed as at 3 July 2008 that were capable of conveying water to the irrigation site. Therefore, [REDACTED] does not conform with the eligibility criteria prescribed in the Water Management (General) Regulation 2018.</li> </ol> <p>[REDACTED] opened the discussion for the [REDACTED] representatives to present information that could support an eligible determination.</p>	

No.	Discussion	Action
	<p>█████ received and reviewed all documents that have been produced by the department on the initial decision of ineligibility. █████ stated that principally the issue is that (a) because of the historical nature of the matter, there is concern over the accuracy of the documents relied upon, and (b) there has been assumptions made which haven't been backed up with any evidence.</p> <p>█████ explained documents the landholders retrieved from Water NSW show a map where the pump site existed in 2004 for the billabong and river. The relevant licence related to a pumping authority for water to be pumped from the Barwon-Darling River to the billabong, but not from the billabong to the fields surrounding it. █████ stated that the assumption by assessing officers is incorrect.</p> <p>█████ stated the second reason for the ineligibility recommendation is fundamentally incorrect with the evidence that's been provided to the Committee, as there was a pump capable of conveying water to the irrigated site. The true source of historical documents is the map from 2004 and the photo of the pump site taken from 2006 which shows that the pump was being used for irrigation purpose. There departmental officer has completed a site inspection and have relied on historical data, and a statement from a previous owner (hearsay document) and made assumptions.</p> <p>█████ and the landholder's view is that both criteria have been met.</p> <p>█████ provided clarification that the pump site in the photo was on the billabong. It is a pressure pump that goes into a drip irrigation system.</p> <p>█████ thanked the landholders and representative for their attendance and clarification.</p> <p>█████ █████ and █████ left the meeting.</p> <p>█████ stated that the presented information would not change the department's recommendation of ineligibility, however he believed criteria number 2 should be left out of the recommendation.</p>	

No.	Discussion	Action
	<p>█████ agrees with department’s recommendation as the licence was an unregulated licence that has already accounted for floodplain harvesting.</p> <p>█████ agrees with █████ point and believes that adding that information to the recommendation would add value to the positions that the Committee doesn’t support their appeal. █████ stated the landholders have not provided the Committee with evidence of an additional irrigation area above what the licence covered. █████ agrees with criteria number 2 being left out of the recommendation.</p> <p>█████ raised concerns around there not being a site inspection and the ROI coming in late in the process.</p> <p>█████ clarified that NRAR did not complete a site inspection due to flooding events preventing a site inspection. They had rescheduled numerous times with no success of attending. The ROI didn’t come in until mid-way through 2022. █████ clarified that the FPH amendment to the regulation says that ROI applications cease once the department has published on its website that no more ROIs will be accepted. This was drafted for the Border Rivers and Gwydir, but the disallowance of regulation means the department now can’t do that.</p> <p>█████ made a recommendation that the department publish on the website that ROIs are no longer accepted. This was further discussed in other business.</p> <p>█████ agrees with the department’s recommendation as no further details have been provided for the history of the licence usage. █████ agrees with removing criteria number 2 due to a lack of site inspection.</p> <p>█████ clarified that other properties in the Barwon-Darling that had licences to authorise take of water didn’t authorise them to take water out of their billabong, so they were eligible for floodplain harvesting licences. █████ and █████ have licences that specified the take of water out of the billabong, so they are both considered ineligible.</p> <p>The Committee recommends that the take of water on █████ as of 3 July 2008 was authorised by surface water authority █████ Such take does not conform with the definition of</p>	<p><b>Outcome:</b> The Committee recommends that the take of water on █████ as of 3 July 2008 was authorised by surface water authority █████ Such take does not conform with the definition of floodplain harvesting prescribed in the Water Sharing Plan for the Barwon Darling Unregulated and Alluvial Water Sources.</p>

No.	Discussion	Action
	floodplain harvesting prescribed in the Water Sharing Plan for the Barwon Darling Unregulated and Alluvial Water Sources.	
7	<p><b>General business</b></p> <p>██████ made recommendation that the department:</p> <ul style="list-style-type: none"> <li>- declares that applications are closed for all five northern valleys, as per the now disallowed regulations in anticipation of the last indication of parliament</li> <li>- notes the Committee is mindful there's no current regulation that authorises the declaration</li> <li>- notes the Committee wants the validity of the declaration to be determined at a future date when regulations are passed.</li> </ul> <p>All Committee members are in agreeance of the recommendation.</p> <p>██████ noted that the decision for the final modelling appeals for the Macquarie to not come to the Review Committee was inappropriate. ██████ noted there was no consultation with the Committee, and it was an odd decision when the purpose of the Committee is for appeals and fair process.</p> <p>██████ will provide further information on the Terms of Reference changes to the Committee.</p>	<p><b>Action:</b> ██████ ██████ to action the Committee recommendation to close applications via the department's website.</p> <p><b>Status:</b> closed. Emailed 10/01/23.</p> <p><b>Action:</b> ██████ to provide further information on Terms of Reference amendments to the Committee out of session.</p> <p><b>Status:</b> closed. Emailed 10/01/23.</p>
8	Meeting closed – 9.45am	

### Upcoming meetings

TBD