

Details

- Meeting:** Meeting 54 HFP Review Committee
- Location:** via TEAMS
- Date/time:** Monday 14 March 2022, 10am to 1pm
- Chairperson:** [REDACTED], Independent chair

People present

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 Council
4. [REDACTED] – NSW Farmers Association representative
5. [REDACTED] – advisory to the committee

Department of Planning and Environment – Water Group

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

Apologies

1. [REDACTED] – alternate member (NSWFA)
2. [REDACTED] – Manager, Modelling
3. [REDACTED] – Manager, Licencing and Approvals
4. [REDACTED] – Principal Water Regulation Officer

Action log

Number	Action	Responsible	Status
53.1	N068 - Review modelling impacts for the case proposed by submission and correspondence from TCS by Wednesday 16 February 2022	[REDACTED]	Complete. See other business folder, meeting 55.
54.1	[REDACTED] to update the draft minutes for meeting 53 to include [REDACTED] comments according to the meeting recording and email out to committee members for endorsement.	[REDACTED]	Complete. See meeting 53 minutes for committee's endorsement.
54.2	DPE Water to set an out of session date on Thursday for [REDACTED] to go through meeting decisions/ endorsements.	[REDACTED]	Complete. Minutes attached.
54.3	DPE Water to update the modelling submissions table with committee's endorsements or non-consensus decisions.	DPE Water staff	Complete. Attached to meeting 53 minutes.
54.4	Committee members are to provide non-consensus reports by 18 March 2022 at the very latest.	Committee members	Incomplete. NSW Farmers Association did not provide a report in the required timeframe.
54.5	DPE Water to provide further clarification that the [REDACTED] storage are on the designated floodplain. Members will make a decision once more information is provided.	DPE Water staff	Information from [REDACTED] sent to committee 16/3/22. Additional analysis by [REDACTED] sent to committee 21/3/22.
54.6	[REDACTED] to set meeting dates for March, April and May meetings.	[REDACTED]	March date set for 30 March 2022.
54.7	[REDACTED] to put [REDACTED] extended comments into the meeting 53 minutes and send to [REDACTED] for endorsement (out of session).	[REDACTED]	Complete. See meeting 53 minutes for committee's endorsement.



This meeting

No.	Description	Action
1	Acknowledgement of Country.	
2	Welcome from the Chair Meeting opened at 10.07 am.	
3	Declaring conflicts of interest for this meeting Nil declared. [REDACTED] has a standing declaration. As per previous meeting: <i>declared his cousins [REDACTED] work for [REDACTED].</i> <i>Also, N132 [REDACTED] is owned by [REDACTED], a cousin (note this submission was not discussed at this meeting). [REDACTED] declared no financial interests in either.</i>	

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Endorsement of draft minutes from Meeting 53

A statement [REDACTED] made at the previous meeting regarding Barwon Darling modelling and the review committee out-of-session process was requested to be recorded in the minutes and it wasn't.

Due to an administration error, [REDACTED] did not have an opportunity to review the documents for this meeting. An out of session meeting will be held on Thursday 17th March 2022 with him and the Chair, [REDACTED] to go through relevant meeting decisions and endorsements.

[REDACTED] commented that responses were due the following Friday in regard to the committee's endorsements of submissions. [REDACTED] sent through a response to [REDACTED] regarding M057. These need to be recorded in an updated table.

[REDACTED] updated that the decisions that didn't get a response in time have gone to a non-consensus decision.

[REDACTED] made a statement on the non-consensus matters. There are actions that haven't been resolved, and it was decided that if decisions weren't received by the sunset date of 18 March 2022, these matters would go to non-consensus. [REDACTED] had hoped the non-consensus brief would be off by now. If there are outstanding non-consensus reports then they need to come in ASAP because at this stage we've passed the timeframe and we won't be waiting for those non-consensus reports before we put up the brief for recommendation. The department has afforded quite a number of extensions to the timeframe, so anything outstanding that members want to get in, please make contact with [REDACTED] as soon as you can to make sure it's considered.

[REDACTED] decided the committee members will wait for the amended minutes to be emailed out and members can endorse via return email. The only amendments to be made are [REDACTED] comments she requested to be documented.

Action 54.1: [REDACTED] to update the draft minutes for meeting 53 to include [REDACTED] comments according to the meeting recording and email out to committee members for endorsement.

Action 54.2: DPE Water to set an out of session date on Thursday for [REDACTED] to go through meeting decisions/endorsements.

Action 54.3: DPE Water to update the modelling submissions table with committee's endorsements or non-consensus decisions.

Action 54.4: Committee members are to provide non-consensus reports by 18 March 2022 at the very latest.

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Outstanding actions from previous meeting

█ raised a question around the first action – why one member of the committee would have their views about current government policy sent to the Minister when no other member has had that opportunity.

█ clarified there was an error in the minutes / actions here. █ edited the action and the committee endorsed the amendment.

█ clarified that any decisions are made by a delegate of the Minister at the departmental level. There is no briefing going to the Minister representing the committee's views on policy positions. Where there is dissention or where there's agreement, all those things are formalised. When views are relevant to a delegate decision, they're made available, and that's been the case for previous concerns raised and there's needed to be a decision on the non-consensus matters. There is nothing that's gone beyond a departmental level with respect to any committee member's views on the policy.

█ suggested amending the wording of the action that the recommendation reports go to the Ministers delegate.

█ asked about an action about reviewing modelling impacts. █ replied that it was in relation to something █ had spoken about in meeting 53 and it hasn't progressed any further.

█ expressed that some of the meetings with modellers weren't recorded, for example the meeting on 25th October 2021. The information referred to in the action log was not formal information received.

█ asked for clarification on what █ means by unrecorded and if she means they weren't minuted.

█ – yes, there were numerous meetings with modellers that weren't minuted. A concern █ has with the process is that they were shown information during the meeting, but not provided the information to go back and look at. █ said the members never received the individual submissions from each property in the modelling report. They only received the summary from the government.

█ asked if the non-consensus reports been finalised and sent. █ confirmed there is a draft report, but it hasn't been sent yet. █ and █ have a draft report done but haven't finalised it.

█ raised concerns about the satellite imagery that's used in the modelling being recent, rather than what was on the ground in 2008.

█ clarified there are three lots of modelling. The one that uses the most recent satellite imagery is the current conditions modelling. The Department has also looked at what was there in July 2008 and again in 1993/'94.

█ asked what imagery informs the final entitlements and decisions around developed area/undeveloped area etc.

█ clarified all three modelling types will inform the final entitlement. The plan limit conditions dictate the size of the pie, 2008 conditions dictate the shares in the pie and the current conditions modelling dictates the volume of water that can be taken now with the development that exists on the ground. The function of the framework is to, where necessary, restrict current diversion so they come back in line with the plan limit conditions. So, all three are important in the share determination.

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Submission on eligible works audit

██████████ has done the analysis of the submissions and he's on standby to join meeting if necessary.

██████ explained that since the committee last met, the regulations have been disallowed, but the most current reflection of government policy is the eligibility criteria defined by the regulation. Intention here is we continue to apply the regulations as if they were in existence with respect to the eligibility criteria.

██████ added that these criteria in the disallowed regulation are very similar to what was in the NSW Floodplain Harvesting Policy which is the criteria used through the Farm Scale Validation process. The amendments to the regulation made it a bit clearer of what was regarded as eligible works.

██████ asked for clarification on if the Gwydir and Border Rivers licencing is going ahead based on the regulations before disallowance.

██████ responded that licences that were determined when the regulation was in force have legal affect so the Department will be proceeding with that.

M004 – ██████████

██████████ moved the committee endorses departments recommendation that the works are not eligible for floodplain harvesting as they do not comply with the assessment criteria clause 23B(2)(a,b,c).

The HFPRC support the department's recommendation that the works are not eligible for floodplain harvesting as they do not comply with the assessment criteria clause 23B (2)(a,b,c).

██████████ endorsed the recommendation.

██████████ endorsed the recommendation.

██████████ endorsed the recommendation.

██████████ position will be made out of session.



M029 – [REDACTED]

[REDACTED] moved the committee endorses departments recommendation that the works are not eligible for floodplain harvesting as they do not comply with the assessment criteria clause 23B(2)(a,b,c).

[REDACTED] asked for clarification on the storage volume remaining at 1530ML.

[REDACTED] clarified that 1530ML is the total storage capacity for the farm.

[REDACTED] further clarified that information was put in as background information so the committee would know it had been before the committee previously but can leave that off the next lot of documents as its not relevant to the considerations today.

The HFPRC support the department's recommendation that the works are not eligible for floodplain harvesting as they do not comply with the assessment criteria clause 23B (2)(a,b,c).

[REDACTED] endorsed the recommendation.

[REDACTED] endorsed the recommendation.

[REDACTED] endorsed the recommendation.

[REDACTED] position will be made out of session.

M056 – [REDACTED]

[REDACTED] moved the committee endorses departments recommendation that the works are not eligible for floodplain harvesting as they do not comply with the assessment criteria clause 23B(2)(a,b,c).

The HFPRC support the department's recommendation that the works are not eligible for floodplain harvesting as they do not comply with the assessment criteria clause 23B (2)(a,b,c).

[REDACTED] endorsed the recommendation.

[REDACTED] endorsed the recommendation.

[REDACTED] endorsed the recommendation.

[REDACTED] position will be made out of session.

M057 – [REDACTED]

[REDACTED] moved that the works satisfy 23B(2)(c) and is eligible for inclusion as eligible floodplain harvesting works.

[REDACTED] raised that this recommendation was close to the bone with the interpretation of the eligibility criteria.

[REDACTED] clarified that it was in place pre-2008 and the reason it was replaced in 2011 was because there were some administration errors from the Department.

The HFPRC support the department's recommendation that the works satisfy clause 23B(2)(c) and is eligible for inclusion as floodplain harvesting works.

[REDACTED] endorsed the recommendation.

[REDACTED] endorsed the recommendation.

[REDACTED] endorsed the recommendation.

[REDACTED] position will be made out of session.

M070 – [REDACTED]

[REDACTED] raised that the storage is outside of floodplain zoning in the plan and she thought that was the initial criteria for any works.

[REDACTED] had this previously clarified by the project implementation group who have signed off on storages off the floodplain but take water from the floodplain. The NSW floodplain harvesting policy applies to a whole property even if part of the property is not on a designated floodplain. So for [REDACTED], floodplain harvesting applies to the whole property even though the whole property isn't on the floodplain.

[REDACTED] raised that most the water on the property is rainfall runoff, which is why people are concerned with this property.

[REDACTED] clarified that this storage doesn't fit a definition of a controlled work. What the committee is being asked to rule on, is this work is not a controlled work. Department's analysis determined it doesn't fit the criteria for a controlled work because it's not on a floodplain and it doesn't affect the flow of water to or from a river.

[REDACTED] clarified that the storage is intercepted by works on the floodplain that are eligible works. [REDACTED] asked if the question [REDACTED] would like more clarity on is: *does that storage that isn't on the designated floodplain capture rainfall runoff?*

[REDACTED] – yes, would like the department to clarify that more.

[REDACTED] posed that the department will come back to the committee members out of session just to confirm that the works that are capturing the rainfall runoff are the works on the floodplain – the channels, the pipes, the pumps – that are ultimately collecting rainfall runoff and then pumping it through into that storage, which is not on the floodplain.

[REDACTED] and [REDACTED] would also like further information on this site before providing a decision.

[REDACTED] raised concerns about the site of the reservoir on the basis it was on the 2% slope.

[REDACTED] responded that the 2% definition isn't something that applies to every floodplain. Not a standard definition. Needs to look in the designation of floodplain.

Action 54.5: DPE Water to provide further clarification that the [REDACTED] storage are on the designated floodplain. Members will make a decision once more information is provided.

Information from [REDACTED] sent to committee 16/3/22. Additional analysis by [REDACTED] sent to committee 21/3/22

Meeting 54 HFP Review Committee

Meeting minutes



	<p>Upper Namoi is the only valley that uses that as a standard definition.</p> <p>█ later asked for a summary of what █ needs in regards to █.</p> <p>█ issues are that █ had significant changes to the areas for rainfall runoff in the modelling report. She wants clarification that the storage is not capable of capturing rainfall runoff.</p>	
	<p>M087 – █</p> <p>█ moved that the committee supports the reversal of eligibility of storage as it does not comply with Clause 23B(2)(a,b,c).</p>	<p>The HFPRC support the department's recommendation that the works do not satisfy clause 23B(2)(a,b,c) and is not eligible for inclusion as floodplain harvesting works.</p> <p>█ endorses the recommendation.</p> <p>█ endorses the recommendation.</p> <p>█ endorses the recommendation.</p> <p>█ position will be made out of session.</p>
7	<p>Other business</p> <p>█ raised that the April and June meeting dates haven't been set yet.</p> <p>█ raised a question about the scope of work for the committee and if there is any further information on what is in scope for the committee for the year.</p> <p>█ clarified that the department has to send out draft entitlements for the Barwon-Darling, Macquarie and Namoi. When sent out, the parties have 28 days to make a submission to the department. These submissions will be referred to the committee if they are in scope of the committee.</p> <p>█ sent out a clarifying email via █ in regard to the healthy floodplain review committee role and responsibilities on 3 March 2022. █, █ and █ confirmed they received it.</p>	<p>Action 54.6: █ to set meeting dates for March, April and May.</p>

Meeting 54 HFP Review Committee

Meeting minutes



8	Meeting close Meeting closed 11.40am.
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See minutes for out of session meeting on 17 March 2022 for [REDACTED] decisions and endorsements.

Next meeting

Wednesday, 30 March 2022

Details

- Meeting:** Supplementary Meeting 54 to obtain [REDACTED] decisions
- Location:** via Teams
- Date/time:** Thursday, 17 March 2022
- Chairperson:** [REDACTED] – Independent chair.

People present

Committee

1. [REDACTED] – Independent Chair of the Healthy Floodplains Review Committee
2. [REDACTED] – Local Irrigator and landholder Moree

Department of Planning and Environment – Water Group

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



This meeting

Note: The purpose of this meeting is to obtain [redacted] endorsements/ decisions from meeting 54 out of session, due to an administration error in him receiving the meeting papers ahead of meeting 54.

No.	Issue	Action
1	Acknowledgment of Country	
2	Welcome from the Chair	
3	Declaring conflicts of interest for this meeting No conflicts of interest.	
4	Endorsement of draft minutes from Meeting 53 [redacted] requested comments he made at the previous meeting to be included in the minutes. [redacted] commented that [redacted] comments were recorded in summary. [redacted] asked that the transcript is reviewed and amended to be a precise representation of [redacted] comments.	Action 54.7: [redacted] to put [redacted] extended comments into the minutes and sent to [redacted] for endorsement.
5	Submission on eligible works audit	

Meeting 54 HFP Review Committee

Out of session meeting minutes



<p>M004 – [REDACTED]</p> <p>[REDACTED] read the departments recommendation that the works are not eligible for floodplain harvesting as they do not comply with the assessment criteria clause 23B(2)(a,b,c).</p> <p>[REDACTED] thought they were eligible under clause 23B(2)(b), because they were constructed without an approval and at the time they built the storage they didn't need a Part 8 approval.</p> <p>[REDACTED] clarified the storage was built in 2000's and even though it wasn't on a floodplain, it affected the flow of water to or from a river, so it required a Part 8 approval.</p>	<p>[REDACTED] endorsed the Departments recommendation.</p>
<p>M029 – [REDACTED]</p> <p>[REDACTED] read the departments recommendation that the works are not eligible for floodplain harvesting as they do not comply with the assessment criteria clause 23B(2)(a,b,c).</p> <p>[REDACTED] thought this one would be eligible under clause 23B(2)(b).</p> <p>[REDACTED] explained this storage had the same issue as the previous. If they built the storage before July 2000, it wasn't a designated floodplain so didn't require an approval. But after the legislation changed in July 2000, they did require an approval. The legislation changes were state-wide.</p>	<p>[REDACTED] endorsed the Departments recommendation.</p>
<p>M056 – [REDACTED]</p> <p>[REDACTED] read the departments recommendation that the works are not eligible for floodplain harvesting as they do not comply with the assessment criteria clause 23B(2)(a,b,c).</p> <p>[REDACTED] asked what year the storage was built.</p> <p>[REDACTED] said it was built in 2001.</p>	<p>[REDACTED] endorsed the Departments recommendation.</p>
<p>M057 – [REDACTED]</p> <p>[REDACTED] read the departments recommendation that the works satisfy 23B(2)(c) and is eligible for inclusion as eligible floodplain harvesting works.</p>	<p>[REDACTED] endorsed the Departments recommendation.</p>

Meeting 54 HFP Review Committee

Out of session meeting minutes



	<p>M070 – [REDACTED]</p> <p>[REDACTED] updated there is still information coming from [REDACTED] in regard to [REDACTED]. The other members have not made a decision.</p> <p>[REDACTED] has provided satellite imagery from 2020 for this property. [REDACTED] will provide a written report on that.</p>	
	<p>M087 – [REDACTED]</p> <p>[REDACTED] read the departments recommendation that the committee supports the reversal of eligibility of storage as it does not comply with Clause 23B(2)(a,b,c).</p> <p>[REDACTED] explained this property was recently purchased and the new landholder received assurances that everything was ok. There's no indication an application was made to construct the storage and there's no record of it being approved.</p> <p>[REDACTED] asked if there's any imagery of when the storage was constructed.</p> <p>[REDACTED] said it was built in 2008, but there was no application.</p>	<p>[REDACTED] endorsed the Departments recommendation.</p>
6	Meeting close	

Next meeting

Wednesday, 30 March 2022