

## Details

**Meeting:** Meeting 50  
**Location:** Via Teams  
**Date/time:** 9am – 10.30am  
30<sup>th</sup> September 2021  
**Chairperson:** [REDACTED]

## 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] – alternate member (NSWFA)
6. [REDACTED] – advisory to the committee

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

1. [REDACTED] – Executive Director, Regional Water Strategy
2. [REDACTED] – Director, Healthy Floodplains
3. [REDACTED] – Acting Director, Healthy Floodplains
4. [REDACTED] – Principal Project Officer, Licensing
5. [REDACTED] – Manager, Licensing and Approvals
6. [REDACTED] – Principal Water Regulation Officer
7. [REDACTED] - Senior Project Officer
8. [REDACTED] - Senior Project Officer
9. [REDACTED] – Project Officer

## Apologies

10. [REDACTED] – Director, Healthy Floodplains

## This meeting

No.	Description	Action	Responsible
1	Meeting commenced 9.18am Acknowledgement of country	Nil	
2	<b>Welcome from the Chair</b>	DPIE to call committee members	DPIE licensing staff

No.	Description	Action	Responsible
	<p>DPIE proposed to call committee members an hour before the start of each scheduled meeting.</p>	<p>one hour before scheduled meeting start to confirm their attendance</p>	
<p>3</p>	<p><b>Opening address</b></p> <p>█ made an opening address to the committee</p> <p><b>Questions and comments from committee</b></p> <p>█ - Good information and clarification. Adjusting for climate change – pointing out that supplementary has been cut back as the Gwydir valley has gone above the CAP. Cannot be shown that water was or wasn't taken, but supplementary access has been reduced.</p> <p>Could use this same adjustment for climate change. But don't agree with what has happened with the supplementary licences.</p> <p>█ - Raising the issue about remote sensing policy and that there were no other options put up. Would like to highlight that I constantly suggested that information about rainfall or a flood in the year that was chosen as the highest crop year/area would have improved the best available knowledge. Always been push back that this wasn't part of the policy. Still have concerns that we are going around in circles about what was in the policy or not and what was best available information.</p> <p>█ - Aware that this was part of the information that you presented to us where a consensus could not be reached. We have taken it into consideration, and we feel that we are working within the policy and working with the best information that we can reliably apply.</p> <p>█ - Thank you for the presentation. Requests that a copy of the presentation be sent through.</p> <p>Like █ point regarding remote sensing, I also raised a number of other methods. Including the floodplain management plans and flood studies by the department which demonstrates property scale works and other properties that don't have any works/field and we have provided them with an allocation. I have raised this on a number of occasions and couldn't understand why the department couldn't use its own work to test the validity of the remote sensing. Putting it on the record again that I have a problem with that.</p> <p>█ - Noted. My response is similar to what I gave to █. We reviewed the issues surrounding non-consensus.</p>	<p>Copy of presentation requested by committee</p>	<p>█</p> <p>Emailed to committee during meeting</p>



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	<p>█ - One point of clarification – on the comparison document – what does the green text mean?</p> <p>█ – indicates text deleted from the new version</p> <p>█ – in regard to the confidentiality, which has always been a struggle. Still a grey area about what we can or cannot report back to our representative organisations. We have previously discussed having an overarching basic report or something from the committee that we can share with our organisations. It is still not clear to me what information I can share under the confidentiality deed.</p> <p>Also, in regard to the discussion around the unregulated submissions. The focus changed in the middle of our deliberations. At one stage the policy was that the volumetric conversion process included floodplain harvesting and then there was debate backwards and forwards. Then floodplain harvesting became additional, and I was confused about what an authorised area was. This change occurred during the time we were dealing with hundreds of submissions. That was of concern to me and having the policy change during this caused a lot of doubt in my mind. I just wanted to raise this.</p> <p>█ - I concur with █ issue regarding a summary report. It was asked for and it didn't come in the way we could utilise it. I am not sure what the reluctance was in providing that report █? Perhaps we could put together a one page report once a month that would not breach confidentiality.</p> <p>█ – no reluctance more of an oversight. We can do that. I apologise for not doing that.</p> <p>█ – understand the bulk of work in the past but now there should be an opportunity to provide this information.</p> <p>█ – we can certainly put something together regarding the past submissions and do something for the next meetings.</p> <p>█ – the modelling is at the heart of what █ dealing with and anything about modelling would be greatly appreciated</p> <p>█ - Find it strange that terms of reference have been changed unilaterally and they usually undergo consultation before being handed down.</p> <p>Couple of points:</p> <p>Appendix D (a) refers to members needing to make decisions where supporting information is limited or</p>		

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	<p>unavailable. This goes to the heart of serious problems that I have had. It should disqualify an application if it is unavailable, and it doesn't deal with contradictory information either.</p> <p>Also (b) refers to the process including a commitment to implementation and I am not sure how that applies to my role.</p> <p>██████ – those points have been in the ToR from day one. The commitment to implementation refers to implementation of the floodplain harvesting policy and the licencing framework generally.</p> <p>██████ – there are additions and insertions around those points and I am just wondering about their effect.</p> <p>██████ – in my view ██████ that relates to hearing the case and finding out why information is limited and make an assessment. We have to deal with this on a case-by-case basis. People make a submission so that they can be heard, and we need to keep an open mind on how to deal with them</p> <p>██████ – in regard to limited information being available, the committee has been quite flexible in that regard. Has been exhaustive in giving registrants opportunities to provide further information. There have been cases where submissions have been refused based on lack of evidence.</p> <p>██████ – So there is a bar where unavailable or limited information disqualifies applications, it is just that I don't see them? What gets over the bar, however low that might be set, I get to see and to my mind they are lacking merit. Your point would be that applications have been disqualified. How many would that be?</p> <p>██████ – perhaps ten or more. We have been quite exhaustive in giving the applicants opportunities to provide information.</p> <p>██████ – We don't disqualify them. We take them to the committee so a decision can be made one way or the other.</p> <p>██████ – so this is why we have seen some that I am convinced, from other sources of information, do not have works or irrigable area in the applicable timeframe. That is contradictory or unavailable information. So, I am seeing that but I am supposed to take into account that there may be limited information that contradicts that.</p>		

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	<p>██████ – can I just give you an example of one that we have dealt with ██████. ██████ – couldn't get the information and applied the precautionary principle as we couldn't take them at their word and the pumps went back to nominal rate. That's an example of trying to get a better result</p> <p>██████ – I diarised that one – we were able to access separate data – pump spec plates etc. The more we got the more it showed the problem. We were able to get more information, and this is why I go back to the issue around floodplain management plans and I don't understand why we can't use that to prove works did or didn't exist.</p> <p>██████ – in terms of ██████ that submission is still outstanding as we are awaiting the final decisions by NSW Farmers.</p> <p>██████ – to be clear with ██████, when I reviewed all of those plates I came down where ██████ came down they are not magic pumps and their performance is the same at that size.</p> <p>██████ – it will come back to the next meeting so that we can finalise it.</p> <p>██████ – Appendix F – Understands that it is not always easy to supply information seven days in advance. However, the nature of this project requires preparation. Have seen changes the business day before so keen that the department is more methodical around this process.</p> <p>██████ - No additional comments other than the fact that we don't want to make things too restrictive. A wide variety of submissions so we need to have the ability to be flexible and continue to request information when required.</p>		
5	<p><b>Work program</b></p> <p>██████ gave an outline of the outstanding matters for the committee</p> <p>Next meeting 13<sup>th</sup> October 2021</p> <p>Moving into the harvest period and recognise the committee may not be available again until the end of November</p> <p>We need to deal with as many of the outstanding tasks at the next meeting.</p>		

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	<p>A handful of eligible works and unreg submissions carried over from the previous committee need to be re-tabled and also finish the Macquarie modelling.</p> <p>After November, the Namoi modelling submissions should be available to review.</p> <p>In 2022, will have the draft entitlement submissions from the Macquarie, Barwon-Darling and Namoi, if any of them are in scope.</p> <p>May also need to revisit the Border Rivers and Gwydir draft entitlements depending on what comes out of the inquiry.</p> <p>On the downhill run, not much left to do.</p>		
6	<p><b>General Business</b></p> <p>██████████</p> <p>At the next meeting we will provide a summary in terms of the LC inquiry – ██████████ will provide a briefing regarding the inquiry.</p> <p>Please accept invitations when you receive a meeting invite</p> <p>Department has a joint venture for a measurement demonstration site. The measurement demonstration site is at the Australian Cotton Research Institute at Narrabri. FPH measurement devices on two storages and non-urban metering sites. Suppliers will have equipment on display.</p> <p>A field day will be held, and the committee members are invited to attend</p> <p>██████████ - A few more field inspections would have been useful for the committee</p> <p>██████████ - ██████████ will be taking ██████████ position so she will be attending the next meeting.</p> <p>██████████ - Thanked ██████████ for her work and commitment</p> <p>██████████ - Asked ██████████ for clarity around the point that no more water is being provided through this process. For example, the decision in the Gwydir to increase rainfall runoff, that increased everyone's entitlement. Are we dealing with a bigger 'pie'? What does your point about 'no more water' mean?</p> <p>██████████ - I can't speak to the change in the model, but in terms of the way total water entitlements are set for a valley, these are set and divided up amongst various</p>	<p>Provide briefing to committee about LC inquiry</p>	<p>██████████ to provide briefing at next meeting</p>

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	<p>water users. If an individual gets a larger slicer the 'pie' the proportion to that individual increases. It all needs to net out to the long term average annual extraction limit (LTAAEL).</p> <p>█ - My general sense of the decisions over the 404 submissions is that we have caused the entitlements to increase. So, you are saying that these are a subset of all the entitlements and that any increase in these would change everybody else's share. Increase some that came to the committee would cause other people's share to drop</p> <p>█ – yes, if I am understanding your question</p> <p>█ – the Farm Scale Validation letters didn't refer to an entitlement, they were an indication of what the long term capability for floodplain harvesting was for each property. Applicants had the opportunity for a submission – that affects their share of the available resource. But in the end, we will be factoring back to the 1993/94 level of take. Not making more water available.</p> <p>█ - Information from the modelling and eligible works submissions resulted increases in storage and pump rates etc. Then there was an increase for these properties. The updated one year and five year volumes were included in their letters and I thought that this indicated what the property would be offered.</p> <p>█ – That was just an indication of their floodplain harvesting capability. For the Border and Gwydir, we have released draft entitlements earlier this year. We haven't made any indications to the other valleys.</p> <p>█ – with the draft entitlement, what will cause them to become the final entitlement?</p> <p>█ – they have an opportunity to make a submission to the committee based on errors or omissions. Not eligible works or modelling. We received a number of submissions in the Border Rivers and Gwydir, but they were all out of scope so none have been provided to the committee.</p> <p>█ – all the capabilities were put together. In the Gwydir the total entitlements were a lot higher, and this was compared to the Murray Darling Basin CAP, so what was offered was dropped back to the CAP. The amount of megalitres offered in draft entitlements was dropped back to the CAP.</p> <p>█ – thanks █, I understand that. But for each valley, I just needed clarity around how it is all working, and no more water is being provided. It is still a bit confusing.</p>		



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	<p>██████ – this process has been all about improving the quality of information for water supply work approvals and for the modelling.</p> <p>██████ – Increase in rainfall runoff etc means someone is robbing Peter to pay Paul. I don't think the Macquarie has hit their CAP. The other valleys will be wound back to the CAP.</p> <p>██████ – One of the concerns is that the terms of reference indicate this process will see improvements for downstream environment and downstream water users, but that's not actually going to occur in the Macquarie. Pure model and not reality on the ground and where it is captured in regard to its importance in the environment. The Macquarie is always going to be a key issue in this process</p> <p>██████ – ████████ this might be something for the next meeting. If a capacity for a valley is set for 93/94 and due to development since then, obviously FPH exceeds the CAP. How is it that there has been no growth in the Macquarie valley capacity since 93/94? Why won't they exceed the CAP?</p> <p>██████ – will include as an agenda item at the next meeting</p> <p>██████ – Had some delays in engaging with Maddocks regarding the probity review. Have the terms of reference. Unsure why they won't supply us with the engagement letter. We would prefer not to GIPA it so wondering if we can get a copy? We need that letter.</p> <p>██████ – Review is being conducted independent of the department. Assume you have taken this up with Maddocks?</p> <p>██████ – have had several exchanges trying to get dates to suit everyone. In our experience it is difficult to engage in a probity process if we don't understand the terms of engagement. If you could prompt that along, we would be grateful.</p> <p>██████ – Can't influence 'legal' in that matter. They are conducting the review independently.</p> <p>██████ – can you ask them to contact us please?</p>	<p>Macquarie CAP – explanation of why it has not been exceeded.</p>	<p>██████ to provide an explanation at next meeting</p>
7	Meeting close 10.37am		

## Next meeting

13<sup>th</sup> October 2021