

NSW Healthy Floodplain Review Committee summary

Introduction

The NSW Floodplain Harvesting Policy (the Policy), released in 2013, created an independent review process to support processing floodplain harvesting Registrations of Interest (ROIs) into work approvals and access licences. This led to the establishment of the Healthy Floodplains Review Committee (HFRC) in 2014.

Under its Terms of Reference (TOR), the HFRC considers submissions on issues that arose before the granting of licences and approvals. The last version of the TOR was endorsed by the Deputy Secretary, Water in 2022. In August 2023 the HFRC was disbanded, and the TOR revoked.

The committee comprised an independent chair and representatives from environmental interests and the irrigation and agriculture industry. Membership at the time of the HFRC's dissolution was:

- Mr Conrad Bolton – Independent Chair and foundation member of the committee. At his initial appointment, Mr Bolton operated a farm in the Walgett district, was Mayor of Narrabri Shire Council and Chair of North-West Local Lands Services.
- Ms Beverley Smiles – nominated by the NSW Nature Conservation Council and foundation member of the committee, representing environmental interests. Ms Smiles is an active environmentalist from the Mudgee district.
- Mr Mark Winter – nominated by the NSW Irrigators' Council and a member of the committee since April 2019, representing the irrigation industry. Mr Winter is a farmer from the Moree district.
- Mr r Richard Bootle – nominated by the NSW Farmers Association and a committee member since November 2022, representing general agricultural interests. Mr Bootle is a farmer from the Nyngan district.

Former committee members were:

- Mr Timothy Duddy – represented general agricultural interests from the committee's inception in 2014 until December 2020. Mr Duddy then served as a special advisor to the committee until August 2023. Mr Duddy is a farmer from the Caroonna district.
- Mr Xavier Martin – represented general agricultural interests from January 2021 until June 2022. Mr Martin is president of the NSW Farmers Association and a farmer from Tambar Springs.

- Mr Bernard George – represented the irrigation industry from the committee’s inception until December 2018. Mr George resides in the Narrabri district and manages extensive irrigation enterprises across the five valleys.

The TOR allowed the committee to obtain independent advice from individuals with specific and relevant local knowledge. This included Mr Timothy Duddy, who was previously a member of the committee but did not have voting rights when providing independent advice.

Decision-making process

When the committee was unable to reach a consensus on a decision, under the TOR, each committee member prepared a report on their views, objections and implications and preferred position to be forwarded to the Deputy Secretary, Water.

The Deputy Secretary, Water would make the necessary determinations in lieu of a consensus. The committee was able to reach a uniform position in almost 90% of the cases that came before it, with only two non-consensus reports being necessary over the life of the committee.

Early work of the committee

The committee met on eight occasions between 2014 and November 2019. These included meetings where the Department of Planning and Environment (the department) provided progress updates on the implementation of the NSW Floodplain Harvesting Policy. During this period, the committee assessed 10 ROIs the department had determined were ineligible under the Policy.

After considering the evidence, the committee recommended eight of ten of the cases remain ineligible, and two should become eligible.

The committee also assessed a case in which a landholder contested the department’s decision that a proposed storage was ineligible (though the ROI was eligible). The committee recommended that the contested proposed storage should remain ineligible. All recommendations were accepted by the department.

Farm scale validation

The committee met on a further 51 occasions between 2019 and 2023, with most meetings related to farm scale validation (FSV). The FSV process came about through the independent peer review of the Policy’s implementation. A key recommendation of this review was that the department educate floodplain harvesting landholders about what information was used to determine eligible works and their capability to take water.

Landholders had to the option to meet with departmental staff regarding the assessment of eligible works. If any matters of concern could not be resolved, landholders then made a submission to the HFRC. Between 2020-2022 the committee considered more than 400 submissions relating to several thousand individual matters concerning eligible works.

HFRC contributions to the FSV process

The committee also made several recommendations to the department to improve how the Policy was implemented. These recommendations include, but are not limited to:

1. Standardisation of the minimum evidence required to determine the capability of works: this included accepting a 1-metre freeboard to determine the storage capacity of permanent on-farm water storages. Other examples include certification by a suitably qualified person of disputed pump, pipe, and storage capacities.
2. Engagement of an industry expert: Tony Weber, from Alluvium, was contracted to assess the department's analysis of landholder modelling submissions.
3. An audit of all floodplain harvesting works across the five valleys by the Floodplain Management Team: this included over 1,000 on-farm water storages. The audit was to ensure that no water storages were included in floodplain harvesting water supply work approvals if they required, but did not have, flood work approvals. This resulted in:
 - **Border rivers** – 1 storage was determined to be ineligible, despite being previously considered eligible
 - **Gwydir** – 10 storages on 8 properties were determined to be ineligible
 - **Macquarie** – 10 storages on 10 properties were determined to be ineligible
 - **Barwon–Darling** – 3 storages on 3 properties were determined to be ineligible
 - **Namoi** – 10 storages on 10 properties were determined to be ineligible.

Importantly, the audit did not reveal a systemic problem and demonstrated that 96.6% of storage eligibility assessments were correct. The audit improved confidence that the water storages included in floodplain harvesting modelling meet the eligibility criteria prescribed in the Water Management (General) Regulation 2018.

An independent review of the remote sensing method used by the department to determine areas of irrigated cropping in the Namoi Valley: based on Alluvium's review and [report](#), the department's remote sensing approach is considered fit for purpose and reasonable for use in determining replacement floodplain harvesting access licences in the Namoi unregulated river system.