

Meeting 55 HFP Review Committee

Held on: 30/03/2022 – 10am to 1pm

At: via TEAMS

Chaired by: [REDACTED], Independent chair

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 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] – Principal Water Regulation Officer
4. [REDACTED] Senior Project Officer
5. [REDACTED] – Senior Project Officer
6. [REDACTED] – Project Officer

Apologies

1. [REDACTED] – alternate member (NSWFA)
2. [REDACTED] – Manager, Licencing and Approvals
3. [REDACTED] – Manager, Modelling

Agenda item discussion and actions

No.	Discussion	Action
1	Acknowledgement of Country	
2	Welcome from the Chair	
3	<p>Declaring conflicts of interest for this meeting</p> <p>Nil declared.</p> <p>Noted [REDACTED] has a standing declaration. As per previous meeting:</p> <p>[REDACTED] declared his cousins [REDACTED] in work for [REDACTED] [REDACTED]s. Also, [REDACTED] [REDACTED] is owned by [REDACTED] [REDACTED] a cousin (note this submission was not discussed at this meeting). [REDACTED] declared no financial interests in either.</p>	
4	<p>Endorsement of draft minutes from Meeting 53</p> <p>[REDACTED] moved that the draft minutes are a true record of the meeting.</p> <p>[REDACTED] seconded.</p> <p>[REDACTED] endorsed.</p>	Meeting #53 minutes adopted.

No.	Discussion	Action
5	<p>Endorsement of draft minutes from Meeting 54</p> <p>Minor amendments made to the minutes.</p> <p>█████ moved that the amended draft minutes for meeting 54 and draft minutes for meeting 54 supplementary meeting are a true record of the meetings.</p> <p>█████ seconded.</p> <p>█████ endorsed.</p>	<p>Meeting #54 minutes and meeting #54 supplementary minutes adopted.</p>
6	<p>Submission on eligible works audit</p> <p>G117 ██████ (contested)</p> <p>The committee discussed and considered the submission for G117a.</p> <p>█████ raised that the committee had discussed this submission in meeting 53 and made a consensus decision to endorse the department’s recommendations. The applicant had written back and contested that position, however it is not something that needs to be re-opened with the committee. ██████ apologised for the departmental error in having this as an agenda item in this meeting.</p> <p>█████ agreed that G117a is no longer a matter for the committee to discuss. ██████ agreed.</p> <p>█████ noted that the submission was written as G117a. ██████ clarified that it is a submission number, rather than an ROI number, to say that it’s a supplementary number.</p> <p>█████ noted the department will draft a letter back to ██████ and that the department has made a final decision based on the advice of the review committee at meeting 53.</p> <p>█████ moved that the minutes record that <i>G117a</i> submission has no standing before the review committee and on that basis is withdrawn.</p> <p>█████ seconded.</p>	<p>Action 01: Department to draft letter back to ██████ ██████ that states the final decision has been made and communicated based on the advice of the review committee at meeting 53.</p> <p>Outcome: Submission G117a has no standing before the committee and has been withdrawn.</p>

BD018 – [REDACTED]

[REDACTED] moved that the committee recommends that the department delay determination until evidential analysis has been conducted.

[REDACTED] noted there was no information attached to this report to the committee and little detail to make any decision.

[REDACTED] supports [REDACTED] motion.

[REDACTED] happy to go with department's recommendation that it wasn't eligible.

[REDACTED] clarified that for the final audits, the department has been firm with the landholders that this is the final opportunity for any of them to provide further information and the delegate will make a decision based on the information put forth.

[REDACTED] perspective was similar to [REDACTED] and [REDACTED] in that the landholder could provide more information if he had more time.

[REDACTED] raised that there are issues with the floodplain the property is situated on and why it seems it has changed from one floodplain zone to another.

[REDACTED] clarified – in 1985, this property was included as the Lower Macquarie floodplain and continued to be until recently when the new Barwon Darling floodplain was gazetted in 2017.

[REDACTED] commented that the key point is that there was never any application under the Barwon Darling or the Macquarie.

[REDACTED] asked if the property was on Western Lands, wouldn't it come under their jurisdiction?

[REDACTED] clarified that Western lands had no jurisdiction over any water related matters. It would've been the department's responsibility to licence any earthworks, not Western lands.

[REDACTED] – with Western lands there was a requirement that any clearing and cultivation required a permit so if in Western division you did need to get a clearing permit and cultivation permit. That's where responsibility stopped with Western Lands. There would be no real difference between [REDACTED] and the properties in the Bourke to Louth area.

No.	Discussion	Action
	<p>█████ asked if there was a breakdown in communication about the site that would allow timeframes to be reconsidered?</p> <p>█████ – that would create an issue for the Department. We have instituted a rigorous process, not just in the audits, and provided clear timeframes. The applicant should have made contact in the first instance to allow for extensions of timeframes.</p> <p>█████ asked if the committee could receive information on the authority of Western lands to support what █████ said.</p> <p>█████ – happy to get some advice and make it available to the committee in relation to the effect of the Wester Lands division.</p> <p>█████ agreed to do that investigation and also commented that Part 8 of the Water Act at the time didn't make any exemptions for land tenure. It applies regardless of whether it was freehold or any crown tenure.</p> <p>█████ – can provide endorsements out of session if the department gets the information to the committee.</p> <p>█████ happy with that approach if it's attached to a clear recommendation for the committee's consideration.</p> <p>█████ – commented that the lack of application is the key issue but if the Western land information is going to clarify that, █████ happy with the approach.</p>	<p>Action 02: Department to supply committee with more information on the effect on the Western Lands permissions in relation to BD018 by 6 April.</p> <p>Action 03: Following receipt of further information on Western lands, committee to provide endorsements on BD018 by COB Friday 8 April.</p>

7 Other business

Team meeting presentation photos:

█████ raised that the department is going to have an internal team meeting and is requesting permission to use individual committee members photos.

█████ will send the photos to everyone to approve.

N068 – meeting 53:

█████ raised that at meeting 53 the committee asked for modellers to see what effect changing the pipe flow rates would have. Department got an email back from █████ ██████ Basically, said that regardless of pipe flow rates, their pump rate on the storage limits how much they can take so they would still only be able to take the same amount of water.

█████ – this issue has been finalised by the committee.

█████ – clarified that sticking with the decision is not going to make a difference to their entitlement.

█████ – don't need to respond to the applicant.

█████ – happy with that.

█████ agrees.

Upcoming consultation for Barwon Darling

█████ announced that the department is planning to go out for some broad scale consultation in the Barwon Darling region in May. Standard reports will be published early May which will include the model build and calibration reports, scenario reports, environmental benefits reports and an updated downstream outcomes reports that factors in the outcomes from the Macquarie, Border Rivers, Gwydir and Barwon Darling (doesn't include Namoi at this stage).

The department will be doing some consulting on the draft rules for floodplain harvesting in the Barwon Darling but will be doing it in collaboration with Regional Water Strategies and Planning team who will be doing some consultation on the WSP remake. At this stage it is planned to hold

No.	Discussion	Action
	public meetings at Walgatt, Bourke and Menindee. There might be other additional face to face meetings with First Nations groups as well.	
8	Meeting close	

Action log

Number	Action	Responsible	Status
55.1	Department to draft letter back to [REDACTED] that states the final decision has been made and communicated based on the advice of the review committee at meeting 53.	[REDACTED]	Complete. Email sent 31 st March.
55.2	Department to supply committee with more information on the effect on the Western Lands permissions in relation to BD018 by 6 April.	[REDACTED]	In progress. [REDACTED] emailed committee on 1 April 22 and is awaiting legal advice
55.3	Following receipt of further information on Western lands, committee to provide endorsements on BD018 by COB Friday 8 April.	Committee members	Pending legal advice.

Upcoming meetings

Meeting 56 – 11 May 2022