

DOC21/230905 – Letter from the Deputy Secretary to the committee chair concerning non-consensus submissions



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Our ref: OUT21/9352
File: BN21/2045

6 September 2021

Dear Mr [REDACTED],

Subject: Resolution of non-consensus matters

Thankyou for the opportunity to meet with you and the other members of the Healthy Floodplains Review Committee on 28 June 2021. It was very useful for me to hear the range of views from committee members concerning the matters on which you have been unable to reach consensus.

I have now examined this feedback, together with the individual member reports provided to me and the advice from my staff that have also had direct involvement in these matters.

I acknowledge that the policy outcomes are different for floodplain harvesting associated with regulated rivers than they are for floodplain harvesting associated with unregulated rivers and that these differences are the cause of concern for some members of the committee. Whilst I acknowledge these differences, the policy has been carefully designed to make use of best available information whilst ensuring consistency with existing licensing and management arrangements. In particular, it is not possible or practical to credibly extend our river system models to incorporate unregulated rivers.

Whilst I acknowledge the policy concerns raised by some members, I also want to emphasise that it is not within the remit of this committee to advocate for changes to NSW Government Policy. The key function is to provide procedural fairness to applicants, by ensuring that the NSW Government's policy is being applied fairly and consistently.

I draw your attention to this because all twenty-five of the matters referred to me for decision failed to reach consensus, at least in part, because some members did not agree with the policy settings or outcomes. I trust that my reinforcement that policy matters are outside of the committee's terms of reference will assist in setting a precedent for the remainder of the committee's deliberations and improve the overall efficiency of this process.

Of the twenty-three cases where there were other issues in play, I consider that the only relevant concern raised by the committee relates to the method used to determine the maximum irrigated area between 1993 and 1999. However, I am confident in the Department's ability to distinguish between irrigated and non-irrigated crops to an acceptable level of accuracy using remote sensing technology and approaches. I note that no committee members have put forward a viable alternative for my consideration, albeit that they were given every opportunity to do so.

On this basis, my resolution is that remote sensing will be used as the foundation for determining irrigated areas between 1993 and 1999. I trust that my resolution to utilise this methodology will also serve to set a precedent should matters such as these come back before the committee.



For full transparency, I have decided to make available to the committee the entire briefing package that I received from my staff on these matters. You will notice that the specific circumstances of each individual case have been presented to me for my consideration in addition to the member reports and the feedback that I received from committee members during our meeting on 28 June 2021.

I want to take this opportunity to again thank you and the committee for the very important role that you play in the delivery of this critical piece of water reform. Your work regarding the farm scale validation process will significantly contribute to ensuring that the most accurate information available to the department will be used in floodplain harvesting modelling. This will not only benefit the project but will also be advantageous in water management generally.

Yours sincerely,

[Redacted signature]

[Redacted name]

Deputy Secretary - Water

Department of Planning, Industry and Environment

INT21/55928 – Attachment A – Outcomes of unregulated submissions including those requiring decision by the Deputy Secretary

Non consensus Attachment A – Unregulated submissions to HFPRC requiring Dep Sec decision

No.	ROI/ Property/Landholder Requests.	DPIE advice to committee	Review committee endorsement of DPIE advice	<u>Submission</u> remote sensing of highest irrigated crop year	<u>DPIE</u> remote sensing of highest irrigated crop year (checked against submission)	<u>Deputy Secretary</u> decision and basis of determination
1	<p>G018 [REDACTED]</p> <p>Contesting information used to calculate draft entitlements. Requesting that entitlement be based on 202.5ha irrigated crop area</p>	<p>Recommends that an Unregulated FPH licence be issued for an entitlement of 364.5ML based on an additional 40.5ha above the 162ha (202.5ha in total) authorised area that was grown during volumetric conversion for the unregulated river access licence.</p> <p>This is additional to the current Unregulated Water Access Licence of 648ML. Note: remote sensing indicated that 1999 was the highest crop year with an irrigated area of 202.5ha. The draft FPH entitlement is based on 40.5ha converted at 9ML giving an entitlement of 364.5ML.</p> <p>Evidence supplied: Remote sensing imagery and licence information.</p>	<p>Unanimous endorsement by all review committee members 22 September 2020.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>	187.8ha (98/99)	202.5ha (98/99)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.
2	<p>N089 [REDACTED]</p> <p>Correction of climatic zone used for calculation</p>	<p>Based on the policy directive for establishing share components for groundwater only properties,</p>	<p>Unanimous endorsement 11 November 2020.</p>	Not contested	159ha (94/95)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy

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		<p>██████████ is eligible for a FPH (unregulated) entitlement of 2181ML.</p> <p>Evidence supplied: Map of volumetric conversion zones overlaying property location on up-to-date imagery</p>	<p>NSW Nature Conservation Council representative endorses change of zone but has retracted previous endorsement of the method used to calculate entitlement.</p> <p><u>Requires Deputy Secretary decision</u></p>			<p>concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued.</p> <p>2. Use of remote sensing to determine cropping areas in accordance with published guidelines.</p>
3	<p>N082 ██████████</p> <p>Correction of climatic zone used for calculation</p>	<p>Based on the policy directive for establishing share components for groundwater only properties, ██████████ is eligible for a FPH (unregulated) entitlement of 713ML.</p> <p>Evidence supplied: Map of volumetric conversion zones</p>	<p>Unanimous endorsement 11 November 2020.</p> <p>NSW Nature Conservation Council representative endorses change of zone but has retracted previous</p>	Not contested	142ha (94/95)	<p>1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain</p>

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		overlying property location on up-to-date imagery	endorsement of the method used to calculate entitlement <u>Requires Deputy Secretary decision</u>			harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.
4	N177 [REDACTED] Correction of climatic zone used for calculation	Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for a FPH (unregulated) entitlement of 2181ML Evidence supplied: Map of volumetric conversion zones overlaying property location on up-to-date imagery	Endorsed 11 November 2020 NSW Nature Conservation Council representative endorses change of zone but has retracted previous endorsement of the method used to calculate entitlement.	Not contested	348ha (98/99)	1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to

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			<u>Requires Deputy Secretary decision</u>			determine cropping areas in accordance with published guidelines.
5	N027 [REDACTED] Contesting methods used for calculation	Based on the policy directive for establishing share components in unregulated river sources, [REDACTED] is not eligible for additional FPH entitlement. The unregulated licence was converted during volumetric conversion with some areas of crop trimmed back to the Authorised Area during conversion. Groundwater usage in the highest crop year covered crop water requirements. Evidence supplied: No evidence supplied to change the draft FPH entitlement previously communicated	Unanimous endorsement 20 January 2020. NSW Nature Conservation Council representative endorses department advice but has retracted previous endorsement of the method used to calculate entitlement. <u>Requires Deputy Secretary decision</u>	Not contested	Not applicable, based on Volcon survey (1020.8ha grown, Authorised area of 648ha)	Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued.

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6	<p>N136 [REDACTED]</p> <p>Requesting that the FPH entitlement be calculated as a groundwater only property as they did not hold an unregulated river licence until 2003</p>	<p>Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for a FPH (unregulated) entitlement of 1130ML.</p> <p>Evidence supplied: Location of property in relation to volumetric conversion zone. DPIE remote sensing used to determine updated FPH entitlement.</p>	<p>Endorsed 2 March 2021 with exception of NSW Farmers.</p> <p>Endorsed by NSW Farmers representative on 17 March 2021 at out of session meeting.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021</p> <p><u>Requires Deputy Secretary decision</u></p>	Not applicable – not supplied	209.65ha (98/99)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.
7	<p>N087 [REDACTED]</p> <p>Correction of climatic zone used for calculation</p>	<p>Based on the policy directive for establishing share components for groundwater only properties, [REDACTED]</p>	<p>Endorsed 2 March 2021 with exception of NSW Farmers.</p>	Not contested	227ha (98/99)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the



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		<p>██████ is eligible for a FPH (unregulated) entitlement of 1560ML.</p> <p>Evidence supplied: Map of volumetric conversion zones overlaying property location on up-to-date imagery</p>	<p>Endorsed by NSW Farmers representative on 7 April 2021.</p> <p>NSW Nature Conservation Council endorses change of zone but has retracted previous endorsement of the method used to calculate entitlement.</p> <p><u>Requires Deputy Secretary decision</u></p>			<p>circumstances in which unregulated floodplain harvesting entitlements may be issued.</p> <p>2. Use of remote sensing to determine cropping areas in accordance with published guidelines.</p>
8	<p>N090 ██████</p> <p>Correction of climatic zone used for calculation</p>	<p>Based on the policy directive for establishing share components for groundwater only properties, ██████ is eligible for a FPH (unregulated) entitlement of 2082ML, an increase of 417ML.</p> <p>Evidence supplied: Map of volumetric conversion zones</p>	<p>Endorsed 2 March 2021 with exception of NSW Farmers.</p> <p>Endorsed by NSW Farmers representative on 7 April 2021.</p> <p>NSW Nature Conservation Council</p>	Not contested	278ha (98/99)	<p>1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting</p>

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		overlying property location on up-to-date imagery	<p>representative endorses change of zone but has retracted previous endorsement of the method used to calculate entitlement.</p> <p><u>Requires Deputy Secretary decision</u></p>			<p>entitlements may be issued.</p> <p>2. Use of remote sensing to determine cropping areas in accordance with published guidelines.</p>
9	<p>N095 [REDACTED]</p> <p>Correction of climatic zone used for calculation</p>	<p>Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for a FPH (unregulated) entitlement of 126ML.</p> <p>Evidence supplied: Map of volumetric conversion zones overlaying property location on up-to-date imagery</p>	<p>Endorsed 2 March 2021 with exception of NSW Farmers.</p> <p>Endorsed by NSW Farmers representative on 7 April 2021.</p> <p>NSW Nature Conservation Council representative endorses change of zone but has retracted previous endorsement of the</p>	Not contested	14ha (taken from IBQ)	Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued.

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			<p>method used to calculate entitlement.</p> <p><u>Requires Deputy Secretary decision</u></p>			
10	<p>N162_N163  Requesting change from 'regulated' property (modelled) to groundwater only property as they had no access to regulated water before 2008</p>	<p>Based on the policy directive for establishing share components for groundwater only properties,  are eligible for a FPH (unregulated) entitlement of 2094ML.</p> <p>Evidence supplied: Location of property in relation to volumetric conversion zone. Evidence that the properties were not connected to a regulated access licence. DPIE remote sensing used to determine updated FPH entitlement.</p>	<p>Endorsed 2 March 2021 with exception of NSW Farmers.</p> <p>Endorsed by NSW Farmers representative on 7 April 2021.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>	<p>Not supplied, moved from regulated to groundwater only</p>	<p>328ha (98/99)</p>	<p>1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. Use of remote sensing to determine cropping areas in accordance with published guidelines.</p>

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No.	ROI/ Property/Landholder Requests.	DPIE advice to committee	Review committee endorsement of DPIE advice	<u>Submission</u> remote sensing of highest irrigated crop year	<u>DPIE</u> remote sensing of highest irrigated crop year (checked against submission)	<u>Deputy Secretary</u> decision and basis of determination
11	<p>N218 [REDACTED]</p> <p>Requesting that the FPH entitlement be calculated as a groundwater only property</p>	<p>Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for a FPH (unregulated) entitlement of 2135ML.</p> <p>Evidence supplied: Remote sensing showing highest irrigated crop year of 322ha, evidence of irrigation development, groundwater use records, location of property in volumetric conversion zone. Statutory Declaration stating that the area of 322ha claimed does not include dryland crop area and irrigation infrastructure was in place.</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p> <p>Not endorsed by NSW Farmers representative 7 April 2021</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>	322ha (98/99)	513ha (97/98)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.
12	<p>N239 [REDACTED]</p> <p>Requesting that the property be categorised as groundwater only as the</p>	<p>Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p>	Not supplied	50ha (95-98)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the

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	property does not have an unregulated licence.	<p>a FPH (unregulated) entitlement of 214ML.</p> <p>Evidence supplied: Location of property in relation to volumetric conversion zone, groundwater licence information. DPIE remote sensing used to determine updated FPH entitlement.</p>	<p>Not endorsed by NSW Farmers representative 7 April 2021.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>			<p>circumstances in which unregulated floodplain harvesting entitlements may be issued.</p> <p>2. Use of remote sensing to determine cropping areas in accordance with published guidelines.</p>
13	<p>N261 [REDACTED]</p> <p>Requesting that property be treated as groundwater only as property did not hold an unregulated licence between 1993 and 1999</p>	<p>Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for a FPH (unregulated) entitlement of 2627ML.</p> <p>Evidence supplied: Location of property in relation to volumetric</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p> <p>Not endorsed by NSW Farmers representative 7 April 2021.</p> <p>Endorsement retracted by NSW Nature</p>	470ha (98/99)	751ha (98/99)	<p>1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting</p>

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		conversion zone, map of irrigation development, remote sensing data for highest crop year of 470ha, groundwater pumping records from WNSW, three Statutory Declarations from owners stating that the fields in question were developed for irrigation and irrigation infrastructure was in place in 1998 (highest crop year)	Conservation Council representative on 26 April 2021. <u>Requires Deputy Secretary decision</u>			entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.
14	N011 [REDACTED] Contesting inclusion as an unregulated property as [REDACTED] only had groundwater licences from 1993-1999. Unregulated licences were obtained post volumetric conversion.	Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for a FPH (unregulated) entitlement of 2417ML. Evidence supplied: Description of irrigation development of the property, licences held 1993-99. DPIE remote sensing used to determine updated FPH entitlement.	Endorsed on 2 March 2021 (with exception of NSW Farmers) Not endorsed by NSW Farmers representative 7 April 2021 Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021	Not supplied	554ha (97/98)	1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to

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			<u>Requires Deputy Secretary decision</u>			determine cropping areas in accordance with published guidelines.
15	<p>N158 [REDACTED]</p> <p>Requesting that properties be split, and [REDACTED] has its entitlement calculated through the unregulated property process. [REDACTED] (N015) will continue to be modelled</p>	<p>Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for a FPH (unregulated) entitlement of 602.5ML.</p> <p>Evidence supplied: Location of property in relation to volumetric conversion zone, map of irrigation development, remote sensing data for highest crop year of 231ha, groundwater pumping records from WNSW, Statutory Declaration</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p> <p>Not endorsed by NSW Farmers representative 7 April 2021.</p> <p>Endorsement retracted by NSW Nature Conservation representative Council on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>	231ha (98/99)	691ha (97/98)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with

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						published guidelines.
16	<p>N002 [REDACTED]</p> <p>Requesting that the properties be regarded as separate properties and that there is a recalculation of unregulated FPH entitlement based on irrigated crop areas for each property</p>	<p>Based on the policy directive for establishing share components in unregulated river sources [REDACTED] is eligible for a FPH (unregulated) entitlement of 655ML and [REDACTED] is eligible for a FPH (unregulated) entitlement of 1517ML. A combined entitlement of 2172ML should be provided.</p> <p>Evidence supplied: Location of property in relation to volumetric conversion zone, map of irrigation development, remote sensing data for highest crop year of 632ha & 206ha in 1998/99, groundwater pumping records from WNSW, Statutory Declaration</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p> <p>Not endorsed by NSW Farmers representative 7 April 2021.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>	<p>[REDACTED] 334ha (95/96)</p> <p>[REDACTED] 632ha (98/99)</p>	<p>[REDACTED] 688ha (98/99)</p> <p>[REDACTED] 597ha (97/98)</p>	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.

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17	<p>N032 [REDACTED]</p> <p>Contesting entitlement based on highest cropping area. Claiming 284ha in 1997/98 as highest cropped area.</p>	<p>Based on the policy directive for establishing share components in unregulated river sources, [REDACTED] is eligible for a FPH entitlement of 1005ML.</p> <p>Evidence supplied: Location of property in relation to volumetric conversion zone, map of irrigation development, remote sensing data for highest crop year of 284ha in 1997/98, groundwater pumping records from WNSW, Statutory Declaration</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p> <p>Not endorsed by NSW Farmers representative 7 April 2021.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>	284ha (97/98)	1014ha (96/97)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.
18	<p>N083 [REDACTED]</p> <p>Landholder is requesting that the volumetric conversion of their property be repeated</p>	<p>Based on the policy directive for establishing share components in unregulated river sources, [REDACTED] is</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p>	671ha (98/99)	480ha (98/99)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the

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	based on 671ha of crop planted in 1998/99.	eligible for a FPH entitlement of 2795.5ML. Evidence supplied: Location of property in relation to volumetric conversion zone, map of irrigation development, remote sensing data for highest crop year of 671ha in 1998/99, groundwater pumping records from WNSW, Statutory Declaration	Not endorsed by NSW Farmers representative 7 April 2021. Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021. <u>Requires Deputy Secretary decision</u>			circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.
19	N097 ██████████ Contesting method used to determine FPH entitlement and requesting amendment of draft entitlement	Based on the policy directive for establishing share components in unregulated river sources, ██████████ is eligible for a FPH entitlement of 2326.5ML Evidence supplied: Map of irrigation development, remote sensing data for highest crop year of 745ha in	Endorsed on 2 March 2021 (with exception of NSW Farmers). Not endorsed by NSW Farmers representative 7 April 2021. Endorsement retracted by NSW Nature	745ha (98/99)	692ha (97/98)	1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting

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		1998/99, groundwater pumping records, Statutory Declaration	<p>Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>			<p>entitlements may be issued.</p> <p>2. Use of remote sensing to determine cropping areas in accordance with published guidelines.</p>
20	<p>N132 [REDACTED]</p> <p>Contesting irrigated area used in calculation. Requesting increase from 81 hectares to 146ha in 1998/99</p>	<p>Based on the policy directive for establishing share components in unregulated river sources, [REDACTED] is eligible for a FPH entitlement of 374.5ML.</p> <p>Evidence supplied: Location of property in relation to volumetric conversion zone, map of irrigation development, remote sensing data for highest crop year of 146ha in 1998/99, groundwater pumping records from WNSW, Statutory Declaration</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p> <p>Not endorsed by NSW Farmers representative 7 April 2021.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p>	146ha (98/99)	172ha (97/98)	<p>1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued.</p> <p>2. Use of remote sensing to determine</p>

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No.	ROI/ Property/Landholder Requests.	DPIE advice to committee	Review committee endorsement of DPIE advice	<u>Submission</u> remote sensing of highest irrigated crop year	<u>DPIE</u> remote sensing of highest irrigated crop year (checked against submission)	<u>Deputy Secretary</u> decision and basis of determination
			<u>Requires Deputy Secretary decision</u>			cropping areas in accordance with published guidelines.
21	<p>N219 [REDACTED]</p> <p>Contesting draft FPH entitlement based on estimate of crop grown between 1993-99 prior to disaggregation of [REDACTED]</p>	<p>Based on the policy directive for establishing share components in unregulated river sources, [REDACTED] is eligible for additional FPH entitlement of 1199ML.</p> <p>Evidence supplied: Map of irrigation development, remote sensing data for highest crop year of 402ha in 1998/99, groundwater pumping records, Statutory Declaration</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p> <p>Not endorsed by NSW Farmers representative 7 April 2021.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>	389ha (98/99)	410ha (97/98)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.

**Non consensus Attachment A – Unregulated submissions to HFPRC
requiring Dep Sec decision**

No.	ROI/ Property/Landholder Requests.	DPIE advice to committee	Review committee endorsement of DPIE advice	<u>Submission</u> remote sensing of highest irrigated crop year	<u>DPIE</u> remote sensing of highest irrigated crop year (checked against submission)	<u>Deputy Secretary</u> decision and basis of determination
22	<p>N233 [REDACTED]</p> <p>Requesting recalculation of the draft unregulated entitlement based on a 429ha of crops grown in 1998</p>	<p>Based on the policy directive for establishing share components in unregulated river sources, [REDACTED] is eligible for a FPH entitlement of 1868.5ML.</p> <p>Evidence supplied: Location of property in relation to volumetric conversion zone, map of irrigation development, remote sensing data for highest crop year of 429ha in 1998/99, groundwater pumping records from WNSW, Statutory Declaration</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p> <p>Not endorsed by NSW Farmers representative 7 April 2021.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>	429ha (98/99)	611ha (95/96)	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.
23	<p>N235 [REDACTED]</p>	<p>Based on the policy directive for establishing share components in unregulated river sources, [REDACTED] is</p>	<p>Endorsed on 2 March 2021 (with exception of NSW Farmers).</p>	<p>[REDACTED]</p> <p>704ha (96/97)</p>	<p>[REDACTED]</p> <p>694ha (96/97)</p>	<ol style="list-style-type: none"> 1. Application of the NSW Floodplain Harvesting Policy concerning the

Non consensus Attachment A – Unregulated submissions to HFPRC requiring Dep Sec decision

No.	ROI/ Property/Landholder Requests.	DPIE advice to committee	Review committee endorsement of DPIE advice	<u>Submission</u> remote sensing of highest irrigated crop year	<u>DPIE</u> remote sensing of highest irrigated crop year (checked against submission)	<u>Deputy Secretary</u> decision and basis of determination
	Requesting recalculation of entitlements based on crop figures provided - [REDACTED] (GW only) 275ha and [REDACTED] (unregulated) 704ha	<p>eligible for a FPH entitlement of 2945.25ML.</p> <p>Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for a FPH (unregulated) entitlement of 1148.5ML.</p> <p>Evidence supplied: Location of property in relation to volumetric conversion zone, map of irrigation development, remote sensing data for highest crop year of 704ha in 1996/97 ([REDACTED]) and 275ha ([REDACTED]), groundwater pumping records from WNSW, Statutory Declaration</p>	<p>Not endorsed by NSW Farmers representative 7 April 2021.</p> <p>Endorsement retracted by NSW Nature Conservation Council representative on 26 April 2021.</p> <p><u>Requires Deputy Secretary decision</u></p>	[REDACTED] 275ha (98/99)	[REDACTED] 365ha (98/99)	<p>circumstances in which unregulated floodplain harvesting entitlements may be issued.</p> <p>2. Use of remote sensing to determine cropping areas in accordance with published guidelines.</p>
24	N044 [REDACTED] Contesting the inclusion of re-use water from Council in the calculation of	Based on the policy directive for establishing share components for groundwater only properties, [REDACTED] is eligible for a	Endorsed on 11 th May 2021 (with exception of NSW Nature Conservation Council)	Not contested	534ha (94/95)	1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in

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No.	ROI/ Property/Landholder Requests.	DPIE advice to committee	Review committee endorsement of DPIE advice	<u>Submission</u> remote sensing of highest irrigated crop year	<u>DPIE</u> remote sensing of highest irrigated crop year (checked against submission)	<u>Deputy Secretary</u> decision and basis of determination
	entitlement. This water was delivered to the property [redacted] and not [redacted]	FPH (unregulated) entitlement of 2594.5ML. Evidence supplied: Statement in submission that this was not delivered to [redacted], email from Gunnedah Council confirming the delivery of re-use water to [redacted]	<u>Requires Deputy Secretary decision</u>			which unregulated floodplain harvesting entitlements may be issued. 2. Use of remote sensing to determine cropping areas in accordance with published guidelines.
25	Nxxx [redacted] Requesting recalculation of unregulated entitlement based on 752.20ha planted in 1995/96	Based on the policy directive for establishing share components for groundwater only properties, [redacted] is eligible for a FPH (unregulated) entitlement of 4268.5ML.	Endorsed on 11th May 2021 (with exception of NSW Nature Conservation Council) <u>Requires Deputy Secretary decision</u>	752.2ha (95/96)	776ha (97/98)	1. Application of the NSW Floodplain Harvesting Policy concerning the circumstances in which unregulated floodplain harvesting

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No.	ROI/ Property/Landholder Requests.	DPIE advice to committee	Review committee endorsement of DPIE advice	<u>Submission</u> remote sensing of highest irrigated crop year	<u>DPIE</u> remote sensing of highest irrigated crop year (checked against submission)	<u>Deputy Secretary</u> decision and basis of determination
						<p>entitlements may be issued.</p> <p>2. Use of remote sensing to determine cropping areas in accordance with published guidelines.</p>