

Details

- Meeting:** Healthy Floodplains Review Committee
- Location:** Teleconference
- Date/time:** Tuesday 22 September 2020
9.00am - 12.10 pm
- Chairperson:** [REDACTED]

Apologies

1. [REDACTED] - Manager Floodplain Harvesting, NRAR
2. [REDACTED] - Senior Water Regulatory Officer, NRAR

Attendees

Committee:

3. [REDACTED], Independent Chair of the Healthy Floodplains Review Committee
4. [REDACTED], NSW Farmers Association representative, landholder from the Caroon area of the Liverpool Plains
5. [REDACTED], NSW Nature Conservation Council representative and landholder Mudgee
6. [REDACTED] NSW Irrigators Council representative, Local Irrigator and landholder, Moree

DPIE – Water Healthy Floodplains:

7. [REDACTED] - Director Healthy Floodplains (part meeting)
8. [REDACTED], Manager Licencing Healthy Floodplains Project, DPIE
9. [REDACTED], Senior Project Officer, DPIE
10. [REDACTED], Senior Project Officer, DPIE
11. [REDACTED], Project Officer, DPIE (minutes)

Natural Resources Access Regulator:

12. [REDACTED] - Senior Water Regulatory Officer, NRAR
13. [REDACTED] - Water Regulation Officer, NRAR

Invitees:

- [REDACTED] – Alluvium Consulting Australia Pty Ltd (part meeting)

This meeting

No.	Issue	Action	Responsible	Date due
1	Welcome	Meeting open	Chair	
2	Declaring conflict of interests	None declared	Chair	
3	Eligible Works Submissions G018 [REDACTED]		All	
4	G088 [REDACTED]		All	
5	BD003 [REDACTED] (returning)		All	
6	G052 [REDACTED] (returning)		All	
7	G055 [REDACTED] (returning)		All	
8	G064 [REDACTED] (returning)		All	
9	74-G079 [REDACTED] (returning)		All	

No.	Issue	Action	Responsible	Date due
10	<p>Discussion regarding the certain landholder's appealing committee endorsed submissions decisions. The landholders have had several opportunities to provide additional evidence. The Border Rivers and Gwydir valley appeals received demonstrate that the issues could have been dealt by department rather than coming back to the committee.</p> <p>█ proposed that where letters have been sent and landholder appealed then the department would use discretion to respond rather than burdening the committee with reassessment. The department would table substantive issues to the committee.</p>	Endorsed by committee.	Noted	
	<p>Break 10.23 am</p> <p>Meeting resumed 10.30 am</p>			

No.	Issue	Action	Responsible	Date due
11	<p>Modelling submission recommendations for the Border Rivers and Gwydir.</p> <p>█ introduced modelling issue and seeking for resolution of matter.</p> <p>█ to provide supporting information for the proposed endorsement.</p>	<p>█ noted that there have been 4 to 5 opportunities for the committee to review the departments modelling approach. In addition, the department has engaged █ to provide independent assessment of modelling with the inclusion of the expert peer review panel.</p> <p>█ enquired whether model would be re-run for the applicants that were not affected by the model changes? Would the applicants without model changes also be remodelled?</p> <p>To be addressed by █ explanation.</p> <p>Committee raised concerns of late notice for Gwydir modelling information, which was received at 5.30pm the day before the meeting.</p>	Noted	

<p>12.</p>	<p>Modelling of Gwydir and Border Rivers overview by [REDACTED].</p>	<p>The % increases in FPH is done due to fine scale checking and the result is equitable. The assessment process is equitable. The valley wide scale assessment is equitable. Industry needs to check the draft entitlements; however, the draft determinations are not an advantage but rather raising the individual property owner to an equitable standard for their property. The changes are implemented for all properties in the valley.</p> <p>Rainfall runoff vs overland bank flow. The model applies one method of estimation based on storage, however in real life each property owner will decide at the time to either access runoff or overbank flow, but it is only a certain amount of capture, not all. Model uses the way that landholder normally would access the water most of the time and uses available storage NRAR data.</p> <p>The Gwydir and Border Rivers modelling has been interrogated and very satisfied that it is fair and equitable, and this has been confirmed with other experts. It is good modelling practice. The Border Rivers rainfall across all areas were receiving the correct amount therefore [REDACTED] was rectified to be equal across all the other valleys. Recommends prioritising communication with Industry, stakeholders on that issue.</p> <p>[REDACTED] raised concern about cumulative impact of increasing amount of floodplain harvesting modelling allocation recommendations.</p>	<p>Noted.</p>	
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No.	Issue	Action	Responsible	Date due
	<p>Motion by the Chair:</p> <p>That the healthy floodplain review committee endorse that the modelling process is satisfactory and supports the modelling outcomes for Batch 1 - (10 submissions) Gwydir emailed 25 August 2020, Batch 2 - (22 submissions) Gwydir emailed 22 September 2020 and Border Rivers - (23 submissions) emailed 22 September 2020.</p>	<p>█████ proposed endorsement of the Border Rivers and Gwydir modelling based on understanding that the environmental groups have not been properly consulted. Therefore, endorsement is conditional that the department undertake consultation with the environmental groups.</p> <p>Endorsed by all except █████ who endorsed the modelling process but could not endorse the changes model outcome including rainfall runoff until there is the opportunity to meet with the key environmental groups.</p>	<p>Noted. █████ to organise appropriate consultation with environmental groups. █████ to explain the modelling process.</p>	<p>Actioned 2/10/2020. Meeting held with environmental groups.</p>
	<p>█████ raised the issue of communication on the Border River model report change needs to be communicated clearly so landholders understand.</p>	<p>█████ is satisfied that it has been dealt within the modelling and agrees that needs to be clearly communicated to landholders and industry.</p> <p>Communication messaging needs to include information on the change to the Border River model.</p>	<p>Noted.</p>	
	<p>Endorsement of draft modelling result letters</p>	<p>Draft modelling results letters to be prepared and sent to committee, allow 48 hrs for committee to make comment otherwise Chairperson to sign off. If there are any changes from meeting with environmental groups meeting, then letters can be rescinded.</p>	<p>Noted.</p>	

No.	Issue	Action	Responsible	Date due
	Other business	Committee raised concerns of short times available for committee to assess papers. As a rule, the department will submit submissions 5 business days before meeting. Modelling due COB Friday prior to meeting (unless with committee's agrees less time for exceptional circumstances).	Noted.	
	Meeting close	12.10 pm	Chair	

Submission Outcomes

Submission number and property	Issue	Comment	Committee Determination	Actions
G018 [REDACTED]	1. Contesting draft entitlements.		Recommend: That the floodplain plain harvesting unregulated entitlement of 364.5ML be supported.	
G088 [REDACTED]	1. Requesting inclusion of channel		Recommend: That channel FPH24 be noted as ineligible as for internal conveyance of water FPH8 – be determined by modellers at FPH15 (pipes).	
Returning Submission				
BD003 [REDACTED] (returning)	1. Requesting amendment of pump (FPH16) from 300mm to		Recommend:	

	660mm with flow rate of 120 ML/day.		FPH 16 - that 300mm pump remains as be eligible works.	
	2. Contesting storage volume (FPH1, FPH2 & FPH3)		Recommend: Remove 1m freeboard reference as not an influencing factor in determining capacity for naturally occurring storage ie. lagoons.	
	3. Requesting surge area		Recommend: Confirm that field 10 does not meet eligibility criteria for floodplain harvesting due to lack of evidence.	
Returning Submission				
G052 [REDACTED]	3. Intake into FPH 7 not addressed adequately in original submission		Recommend: Standard of 200mm above pipe using averaging pipe flow rate. Refer to modellers for individual averaging pipe flow volumes.	
Returning Submission				
G055 [REDACTED]	9. Inclusion of pipe1 to pump station. Surge capacity (433ML) of field 38 not accounted.		Recommend: FPH 13 - pipe included as eligible works. Recommend inclusion of surge with capacity of 114ML based on evidence provided.	
	7. Requesting FPH15 be included as eligible work		Recommend: Reaffirm FPH pipe 15 as eligible works with nominal	

	with intake rate of 176ML/day.		intake of 117ML/day with removal of internal works reference.	
Returning Submission				
G064 [REDACTED]	12. Requesting additional pump FPH 45.	Submission determined 18 August 2020. Registrant claimed information missed.	Recommend: FPH 45 portable pump <u>not</u> be included as eligible works.	
	13. Inclusion of channels 73. 74 and 75 as eligible works.		Recommend: FPH 73 eligible but without FPH 23 pipe FPH 74 - internal <u>not</u> supported as eligible works. FPH 75 - included as eligible works.	
	14. Requests inclusion of Channel 57B as eligible works.		Recommend: Not supported as eligible works.	
	3. Requests inclusion of Channel 71 as eligible works.		Recommend: FPH 71 - included as eligible works.	
	9. Requesting channel 60 be included as it collects floodplain water.		Recommend: FPH 60 - eligible for 350 metres.	
Returning Submission				
G079 [REDACTED]	1. Requesting reassessment of	Submission determined 18 August 2020.	Recommend: Reaffirm non-inclusion of the surge area as eligible	

	<p>surge area as eligible works.</p>	<p>Registrant contesting determination.</p>	<p>works and provide the following information to support the decision:</p> <p>It should be noted that the '2005' plan by SMK, according to Department records, was not prepared nor received in 2005 but it is understood to have been prepared circa 2013. Part 8 file material indicated little progression of the application in the way of supporting information when first applied for in 2005 and initial inspection in 2007. A letter requesting clarification of plan of works was sent in August 2007 and again in June 2013. There is no recorded material being received between those dates that the Department can source. Information sourced from Part 8 application material shows the indicative 2007 works alignment. This, currently, clearly shows that the original proposal was primarily for flood protection and not specifically large-scale irrigation development. Currently there is no other approvals such as use approvals or regulated access licences attached to this part of the property where the Part 8 or CW approvals applies. The location of the surge was not included in the Part 8 approval, even though applied for, as it</p>	
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			<p>was determined that the works potentially conflicted with both maximum harvestable right (MHR) legislation as well as unregulated take and hence licensing requirements.</p> <p>In regard to MHR the surge that is proposed is located over a minor stream and would seem to fit within the policy, however the policy states that it does not apply where water emanates from 3rd order or higher streams and as such the surge storage would not fit within the definition and it would also exceed the MHR.</p> <p>In regard to Unregulated take, such work that if in existence prior to 2000 would have required an unregulated licence as the volume exceeded MHR. Prior to Harvestable Rights policy implementation such constructed works were offered the opportunity to apply for a licence via the dam amnesty policy to ensure works greater than harvestable rights had the necessary approval and licensed take.</p> <p>Inclusion of such a large gravity fill storage as an eligible work that conflicts with other legislation would be at odds with the aim of the policy and jeopardise the entitlements of others. Another important note is that this plan clearly shows the surge is</p>	
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			<p>indicated as FPH 1 – apparently well before the policy was even announced, further suggesting it was first produced post 2008, sometime around 2013 according to Department records.</p>	
	<p>2. Requesting reassessment of pump station as eligible works.</p>		<p>Recommend:</p> <p>Reaffirm non-inclusion of the pump station as eligible works and provide the following information to support the decision:</p> <p>The pump station and irrigation area are part of the plan provided post 2008 which is not adopted as eligible works.</p> <p>As the pumps have not been installed then the Department is unable to map these.</p> <p>The modelling unit may need to consider the pump site and if so then it may be appropriate that the ‘proposed’ pumps are included via desktop into the GDB for modelling purposes.</p> <p>The increase in the irrigation area is not supported as eligible works and is a modelling issue only.</p>	

Meeting closed

12.10 pm

Next meeting

6 October 2020 (teleconference)