

Details

- Meeting:** Healthy Floodplains Review Committee Meeting
- Location:** Microsoft Teams video conference
- Date/time:** Wednesday 20 January 2021
9.00am – 12.30pm
- Chairperson:** [REDACTED]

People present

Committee:

1. [REDACTED], Independent Chair of the Healthy Floodplains Review Committee
2. [REDACTED], NSW Nature Conservation Council representative and landholder, Mudgee
3. [REDACTED] NSW Irrigators Council representative, local irrigator and landholder, Moree
4. [REDACTED], Acting President NSW Farmers Association representative

Guests:

5. [REDACTED], Advisor to Committee, NSW Farmers Association, landholder from Carroona area of the Liverpool Plains
6. [REDACTED], Policy Director Environment, NSW Farmers Association

DPIE-Water Healthy Floodplains:

7. [REDACTED], Director Healthy Floodplains
8. [REDACTED], Principal Project Officer
9. [REDACTED], Project Officer

Natural Resources Access Regulator:

10. [REDACTED], Senior Water Regulatory Officer

Apologies

1. [REDACTED], Manager Floodplain Harvesting, NRAR
2. [REDACTED], Senior Project Officer, DPIE-Water
3. [REDACTED], Senior Project Officer, DPIE-Water

This meeting

No.	Issue	Action	Responsible
1	<p>Meeting open</p> <p>██████████ welcomed all and noted attendance / apologies.</p> <p>Introduction of new committee member ██████████ – Acting President NSW Farmers and ██████████ – Policy Director Environment NSW Farmers. The Chair thanked ██████████ for his significant contribution to Committee. ██████████ will remain on the committee.</p> <p>██████████ does not have voting rights but provides back up assistance to ██████████.</p>		

No.	Issue	Action	Responsible
2	<p>New confidentiality agreement.</p> <p>█ noted that she had also wanted similar changes and that her understanding was that reports would be provided to assist explanation to their representative bodies.</p> <p>█ explained that information on the farm scale validation process, how it fits into FPH policy and the role that the Independent Review Committee played will be prepared, and the first draft will be tabled for committee's consideration.</p> <p>█ questioned █ inclusion in committee. █ explained that █ was bought in to support █ to ensure that the transition into process is seamless due to timeframes of program.</p> <p>█ explained that NSW Farmers wanted the new agreement to have an improved purpose and he has signed a temporary confidentiality for today. █ has provided signed confidentiality agreements for today and are happy to support the new agreement.</p>	<p>New confidentiality agreement to be tabled next meeting, hard copies to be provided.</p>	<p>█</p>
3	<p>Declaring conflict of interests.</p> <p>█ declared his cousins █ from █. Also, N132 is owned by █, a cousin (note this submission was not discussed at this meeting). █ declared no financial interests.</p>	<p>█ to fill in pecuniary interest DPIE form.</p>	<p>DPIE – Water to follow up on form</p>

<p>4</p>	<p>Unregulated property assessments and methodology.</p> <p>█ requested additional sentence be advice sent to landholders and explain further:</p> <p>Departmental analysis and response – <i>Most of these properties have already been through the volumetric conversion (volcon) process in the year 2000 and a floodplain harvesting allocation was included in their unregulated, volumetrically converted entitlements (unless their highest crop year was trimmed back to Authorised Area).</i></p> <p>█ - Needs to be included in comms as well.</p> <p>█ – Only properties with bores are classified as unregulated rivers?</p> <p>█ explained the FPH policy applies to both regulated and unregulated rivers. Where unregulated rivers and there was a historical licence, they were volumetrically converted. Not generating new licences.</p> <p>The exception to that is where there are bore only properties. They are assessed using FPH policy i.e. where they had FPH infrastructure present prior to July 2008 and they do not hold a licence, they will be issued an unregulated FPH licence. There may be some anomalies however this is the approach taken.</p> <p>█ questioned unregulated groundwater properties - if they needed to have eligible FPH works prior to 2008 works needed to be place?</p> <p>█ confirmed FPH policy would apply, would need to have eligible works.</p> <p>█ – queried about desk top only assessment.</p> <p>█ confirmed that all properties had site inspections and details of FPH harvesting eligible works recorded by the department. Calculations for groundwater do not go through the</p>	<p>DPIE-Water to add in sentence</p> <p>DPIE to include in Communications package</p>	<p>DPIE- Water</p> <p>DPIE- Water</p>
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No.	Issue	Action	Responsible
	<p>modelling process like the regulated rivers.</p> <p>The desktop assessment occurred where submissions asked for a volumetric zone change.</p> <p>█████ – questioned remote sensing same method for Volcon and modelling for accredited CAP model and other FPH plans?</p> <p>█████ - questioned the algorithm used for volumetric conversion.</p> <p>█████ – this committee was not engaging this issue as the Anomalies Committee previously dealt with.</p> <p>█████ explained that the volumetric conversion method for unregulated licences using the 1993 – 1999 years was government policy, and therefore was out of scope for committee.</p> <p>█████ would like to discuss at individual submissions.</p> <p>█████ - Remote sensing is repeatable, defensible and consistent which is why it was chosen.</p>		
5	Submissions – refer to submission outcomes		
6	Meeting close 12.30pm		

Submission Outcomes

	Submission number, property and issue	Recommendation to Committee	Committee Determination	Action
1	<p>M113 [REDACTED] [REDACTED]</p> <p>1.1 Contesting storage volume OFS 1 from 413ML to 520ML, an increase of 107ML</p> <p>1.2 Contesting storage volume OFS 2 from 5ML to 63ML, an increase of 58ML</p>	<p>1.1 Support increase from 413ML to 490ML at 1m freeboard, an increase of 77ML.</p> <p>1.2 Support an increase in temporary storage from 5ML to 63ML with a 0.5m freeboard, an increase of 58ML.</p>	<p>Recommend:</p> <p>1.1 Support increase from 413ML to 490ML at 1m freeboard, an increase of 77ML.</p> <p>1.2 No change to remain at 5ML.</p>	
2	<p>N056 [REDACTED] N140 [REDACTED]</p> <p>1.OFS1 - Requesting increase from 430ML to 580ML, an increase of 150ML.</p>	<p>1.OFS1 - support an increase from 430 ML to 530 ML, an increase of 100 ML.</p>	<p>Recommend:</p> <p>1.OFS1 - support an increase from 430 ML to 530 ML, an increase of 100 ML.</p>	
	<p>2. Request to change pumps from 2 x 400mm axial and 1 x 500mm axial pumps to 1 x 280mm, 1 x 355mm and 1 x 432mm axial pumps with a combined rate of 99 ML/day.</p>	<p>2.Support change in the pumps from 2 x 400mm and 1 x 500mm axial pumps at 210 ML/day to 1 x 280mm axial at 18 ML/day, 1 x 355mm axial at 29 ML/day and 1 x 432mm axial at 52 ML/day. Total combined rate 99ML/day.</p>	<p>Recommend:</p> <p>2. Support change in the pumps from 2 x 400mm and 1 x 500mm axial pumps at 210 ML/day to 1 x 280mm axial at 18 ML/day, 1 x 355mm axial at 29 ML/day and 1 x 432mm. axial at 52 ML/day. Total combined rate 99ML/day.</p>	

	3. Requesting inclusion of 1 x 200mm axial pump at Field 8 in NE corner of property.	3.Support the inclusion of 1x200mm axial pump at Field 8 in NE corner of property with a capacity of 12ML/day.	Recommend: Support the inclusion of 1 x 200mm axial pump at Field 8 in NE corner of property with a capacity of 12ML/day.	
	4. Requesting fields 4 and 6 as temporary storage.	4.Fields 4 and 6 <u>not supported</u> as temporary storage.	Defer to meeting on 27 th Jan NRAR to request survey/ LIRAR evidence for storage and frequency evidence frequency of use as temporary and temporary storage potential pipework gated or not gated.	
	5. FPH 2 and FPH3 - Requesting change in pipe sizes	5.1 FPH 2 – change from gated 1050mm to gated 900mm. 5.2a FPH 3 – change from gated 600mm to gated 525mm gated 5.2b FPH 2 and FPH3 - change to 750mm for WSWA only.	Recommend: 5.1 FPH 2 – change from gated 1050mm to gated 900mm. 5.2a FPH 3 – change from gated 600mm to gated 525mm gated 5.2b FPH 2 and FPH3 - change to 750mm for WSWA only.	
	6. FPH4 - requesting pipe change from 1 x 600mm gated pipe to 1 x 700mm gated pipe.	6. FPH4 - Support change pipe from 1 x 600mm gated pipe to 1 x 700mm gated pipe.	Recommend: FPH4 - Support change pipe from 1 x 600mm gated pipe to 1 x 700mm gated pipe.	

3	<p>N051 [REDACTED]</p> <p>1. Contesting storage OFS1 from 410ML to 590ML, an increase of 180ML.</p>	<p>1. Support the increase in storage capacity from 410ML to 590ML, an increase of 180ML with a 1m freeboard.</p>	<p>Recommend:</p> <p>OFS1 - support an increase in storage capacity from 410ML to 590ML, an increase of 180ML with a 1m freeboard.</p>	
	<p>2. OFS2 - Requesting inclusion of historical storage that was present up to the year 2000 from 0 to 197ML, an increase of 197ML.</p>	<p>2. OFS2 - Support inclusion of western storage as Temporary only with a capacity of 197ML.</p>	<p>Seek legal advice in application of criteria 1 of FPH policy in application to this property.</p> <p>Construction, existing, on or before 2008?</p>	<p>See email advice from [REDACTED] Appendix 1.</p>
	<p>3. OFS3 - Requesting amendment of flow rate for FPH 9 pump from 99 ML/day to 130 ML/day.</p>	<p>3. OFS3 - support the increase in pump capacity from 99ML/day to 130ML/day.</p>	<p>Defer</p> <p>Request Stat Dec to verify FPH 9 pump install pre 2008.</p>	<p>Department to request Stat Dec.</p>
	<p>4. FPH12 - requesting amendment of a 350mm axial pump from 0 to 35ML/day.</p>	<p>4 FPH12 - support amendment of a 350mm axial pump from 0 to 35ML/day.</p>	<p>Recommend:</p> <p>FPH12 - support amendment of a 350mm axial pump from 0 to 35ML/day.</p>	

Next meeting

27th January 2021, Tamworth

Appendix

Emails from [REDACTED] – Legal advice re application of FPH Policy criteria 1 for N051

From: [REDACTED]
Sent: Thursday, 21 January 2021 9:04 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Eligibility Criteria 1

Hi all

In reference to the case the committee had trouble with yesterday where a work has been claimed as eligible but was decommissioned in 2000, I have sought legal advice as requested.

[REDACTED] the department's Director Water Law, has given me a quick verbal response. In her view, as the work was decommissioned well before the 3rd July 2008 and, therefore, is not capable of floodplain harvesting, it doesn't conform with the intent of the NSW Floodplain Harvesting Policy and should be ruled as ineligible. As I said in the meeting yesterday, I agree with this position.

Regards

[REDACTED]
Principal Project Officer, Floodplain Harvesting Licensing
Department of Planning, Industry and Environment

From: [REDACTED]
Sent: Friday, 22 January 2021 1:46 PM
To: [REDACTED]
Subject: ROI N051 [REDACTED]

Hi [REDACTED]

I am not able to obtain written legal advice but the issue is summarised below.

The registrant has requested inclusion of a storage that was constructed in the 1980s/90s but was converted from a storage to an irrigation field circa 2000. The storage was not referenced in the registration of interest or the irrigator behaviour questionnaire and only emerged through an eligible works submission to the Healthy Floodplains Review Committee.

The committee asked for a legal opinion on the eligibility of works under eligibility criteria 1 that were constructed and removed prior to 3 July 2008. I asked [REDACTED] DPIE Director Water Law, for an opinion on this. [REDACTED] response was that to determine such a work as being floodplain harvesting eligible was not consistent with the intent of the NSW Floodplain Harvesting Policy as the work was not in existence and capable of floodplain harvesting as at 3 July 2008.

Regards

[REDACTED]
Principal Project Officer, Floodplain Harvesting Licensing
Department of Planning, Industry and Environment