

## Meeting 57 HFP Review Committee

Held on: 8/06/2022 – 2.30pm to 4.00pm

At: via TEAMS

Chaired by: [REDACTED], Independent Chair

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### 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 and landholder Liverpool Plains
5. [REDACTED] – alternate member (NSWFA)

#### Department of Planning and Environment – Water Group

1. [REDACTED], Chief Executive Officer, Water
2. [REDACTED] Executive Director, Strategies and Policy
3. [REDACTED] – Manager Floodplain Licencing
4. [REDACTED] – Director, Healthy Floodplains project Delivery
5. [REDACTED] – Principal Water Regulation Officer
6. [REDACTED] r – Senior Project Officer
7. [REDACTED] – Senior Project Officer
8. [REDACTED] – Project Officer

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### Apologies

1. [REDACTED] – advisor to the committee
2. [REDACTED] – Manager Approvals
3. [REDACTED] – Manager, Modelling

Agenda item discussion and actions

No.	Discussion	Action	Status
1	<p><b>Acknowledgement of Country and introduction from the chair</b></p> <p>██████ acknowledged Country and thanked ██████ and ██████ for meeting with the committee.</p> <p>█████ provided background on meeting purpose; the committee is an important procedural fairness steps for applicants in the implementation of the Floodplain Harvesting Policy. It operates by consensus and in cases where there isn't consensus, the matters are referred, with member reports, to ██████ the Deputy Secretary of the department. The Committee operates to provide advice and doesn't have decision making authority.</p> <p>The vast majority of matters the committee has dealt with we've had consensus on, which is in excess of 90% of the matters.</p> <p>There are 32 non-consensus matters for discussion today. Vast majority of those are for the modelling submission through the Farm Scale Validation process, a couple of submissions to do with the eligible works in the Namoi and a number of Namoi unregulated entitlement determination non-consensus matters.</p> <p>The objective of today is to give members an opportunity to speak to ██████ about the 32 matters of non-consensus.</p>		
2	<p><b>Introduction from ██████</b></p> <p>█████ was satisfied with ██████ overview and is in attendance to listen.</p>		



No.	Discussion	Action	Status
3	<p><b>Healthy Floodplain Review Committee Chair report</b></p> <p>██████ reported that he didn't have any disagreements in the department's analysis on the different submissions.</p> <p>██████ stated the role of committee is to ensure the policy is applied fairly and consistently across eligible floodplain harvesting properties. He is of the belief that properties assessed or contested later in the process shouldn't be treated any differently to other properties. If the policy has potential issues, it needs to be addressed in the future and applied evenly across the board as opposed to individuals during the process.</p> <p>██████ acknowledged some issues are because of the lengthy period that this process has extended over. Some gaps in information may occur because of change of ownership of some properties, but the analysis of submissions can only deal with the information provided.</p> <p>██████ has nothing further to add to the reports forwarded to ██████ already.</p>		

No.	Discussion	Action	Status
4	<p><b>NSW Irrigation Council report</b></p> <p>██████ agreed with ██████ statements that all individuals need to be treated the same across all valleys.</p> <p>██████ is not in agreeance with some of the policy implementation towards the end of the process where storages were ruled out and the landholder could've been warned earlier in the process that their storages didn't meet the criteria.</p> <p>██████ recognised that the committee's role is to ensure procedural fairness across all valleys, rather than judge or change the policy. ██████ believes the Macquarie modelling was completed in the same manner as the other valleys. He agrees with the department's recommendations on the submissions.</p>		

5 **NSW Nature Conservation Council report**

█ submitted two non-consensus reports. The first was in July 2021 which she hasn't received a response to. This is in relation to Macquarie and Barwon Darling modelling. She pointed out key issues with process and decision making in the department.

All of the Macquarie decisions were made offline in December 2020 and then there was a range of updated consultation with modellers and various other people but none of those meetings were minuted or recorded. █ found the Macquarie decision making process was rushed and found problems associated with it.

█ clarified the report was sent on 5 July 2021.

█ key points of concern in this report were pressures on staff / deadline issues, concern about relationship in Macquarie between Floodplain Management Plan hydraulic model and decisions made, particularly on Bulgeraga creek. █ explained there was also a late submission coming before the committee today. That property's access has been shifted to the Bulgeraga creek flood runner which bumps up the access to the entitlement. There are key issues that NCC are concerned about, including the relationship between Floodplain Management Plan and floodplain harvesting assessments and decisions on entitlements.

█ summarised the issues she's raised as:

- concerned the whole process was rushed
- concerned about lack of recording of meetings with committee members
- some comments made in that report will be contested because they're things that █ heard from modellers that have never been minuted or recorded.

█ also explained that she doesn't believe there is a fairness issue across all properties when there are a set of properties that are on a creek that is a significant water source to the Macquarie Marshes, and those landholders are given entitlement as a history of



No.	Discussion	Action	Status
	<p>use. The process hasn't been taking in other considerations and that's been an issue from day one.</p> <p>The second more recent report addresses the lines of evidence used, decision making around infrastructure that will be licenced, scale of volumes considered and reliance on remote sensing area information for basic decision making for some properties.</p> <p>At a recent meeting with modellers that are building the Namoi source model, there was a comment that remote sensing area data is not all that reliable. This reinforced [REDACTED] concerns on how these decisions were made.</p>		

6 NSW Farmers Association report

█████ stated this report (dated 28 March 2022) is a change to his previous non-consensus response. This report was approached from overall concerns in how new registrations of interests are dealt with and not supported by evidence that were used previously. Previous considerations provided an assessment with some detail occasionally around what was weak, moderate, or strong evidence and the levels of support for any variations.

█████ saw this change in how matters were brought before the committee and reflected on the previous focus in relation to the required evidence level and the assessment of it. There were constraints, conflicting evidence, or no evidence in relation to pump specifications, which caused █████ to change the approach in this report.

█████ found it didn't matter what was raised as a key point of evidence, or lack of evidence, for decision or determination it was responded to by the department as being untrue without any opportunity to test that assertion from the project team. In terms of making fair decision, █████ needed more information, however he thought the project team became too busy, and it became impossible to get more information.

█████ was not comfortable to endorse a decision or determination without sufficient detail, or in some cases, no detail.

█████ commented on the problematic use of single lines of evidence in relation to satellite images.

█████ has found it troubling that some registrations of interest are given a nominal pump capacity whereas other apply for 50, 60, 70% greater capacity and are recommended to receive that. Some say they need to build a bigger reservoir and they get that approved, whereas others just get the LiDAR measurements of their reservoir and that's it.

█████ feels strongly that the department must have other detail, that as a representative of agriculture, he's unaware of.

█ asked if █ would like to make some comments, in particular to single lines of evidence.

█ stated many matters have been before the committee on numerous occasions. Where there are other lines of evidence that are reliable, the department has brought those into the mix. The department accepts that the information is not perfect, but we've done the best to use multiple lines of evidence where available. In relation to the lines of evidence that █ referring to, we held those lines of evidence within the department but formed the view that these aren't as reliable as the existing lines of evidence that we're relying on.

█ concurred with █ point that we have gone to great lengths to obtain whatever evidence we could. On a number of occasions, the committee wasn't satisfied with the information that we were able to obtain from the landholder. We've made many attempts to obtain verifiable evidence from the landholders. Some things have been back before the committee four of five times because we've been attempting to get evidence from landholders.

█ stated that is a good point; the project team has made a considerable effort where they have asked the landholders for more information on numerous occasions and received limited useful responses.

█ commented that in those cases there was consensus within the Committee regarding the pumps. █ - committee didn't consider the blurred images as a line of evidence and we never had.

█ offered to respond to █ with anything else in his report that isn't clear.

█ stated that in reviewing documentation before finalising his consideration, if there's anything he needs further clarification on he will come back to members in a way that is fair for all committee members.



No.	Discussion	Action	Status
	<p>█ hasn't appreciated the process where it says something is untrue and they're not allowed to respond back to it if █ finds that he's not setting out these matters correctly.</p>		
	<p><b>DPE response</b> █ and █ provided no further comments.</p>		
	<p><b>Closing comments from █</b> █ stated he will now consider the non- consensus matters in light of the points that have been put forward. Should he need to follow up with questions he will do so through the Chair to ensure transparency. Upon reaching a determination he will explain the decision. █ thanked █ and █ for their attendance. █ and █ left the meeting.</p>	<p><b>Action 01: █ to consider the non-consensus matters and provide explanations for the decisions.</b></p>	<p>Complete. █ forwarded the determinations and non-consensus package to the committee on 20 June 2022.</p>
	<p><b>End of meeting with Water Executives. Committee to resume with business-as-usual items. 3.10pm.</b></p>		

No.	Discussion	Action	Status
9	<p><b>Declaring conflicts of interest for this meeting</b></p> <p>Nil declared.</p> <p>Noted [REDACTED] has a standing declaration. As per previous meeting:</p> <p>[REDACTED] [REDACTED] declared his cousins [REDACTED] and [REDACTED] [REDACTED] work for [REDACTED] [REDACTED]. Also, N132 [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>		
10	<p><b>Endorsement of draft minutes from Meeting 56</b></p> <p>[REDACTED] has moved the minutes as a true reflection of the meeting.</p> <p>[REDACTED] seconded.</p> <p>[REDACTED] endorsed.</p>		
11	<p><b>Macquarie modelling submission for committee endorsement</b></p> <p>[REDACTED] asked for a mover that the committee has received and noted the letter from [REDACTED] [REDACTED] at Alluvium.</p> <p>[REDACTED] moved that the letter has been received and noted.</p> <p>[REDACTED] seconded.</p> <p>[REDACTED] asked if these properties were left out of the original farm scale validation model, is that why we're now looking at them?</p> <p>[REDACTED] answered that is correct. These submissions were received back when we did the farm scale validation process, and these modelling submissions were overlooked.</p>		

M061 [REDACTED] / [REDACTED]

[REDACTED] stated the recommendation.

[REDACTED] commented that this property has a decision to shift to Bulgeraga creek flows. Even though they're not on the flood runner, there's low lying areas that give this a bit more overbank access. Although, the updated final numbers are lower than the initial model, but not by a great deal. Probably has ended up giving them more access than what they would've had, with those decreases in the eligible storages.

[REDACTED] stated this was a downgrade in regard to their FPH activities, which was probably not intended, but it's what the modellers decided.

[REDACTED] stated she is in agreeance with the recommendation.

[REDACTED] is in agreeance but left wondering how these properties were treated consistently with others, regardless of if the entitlement went up or down.

[REDACTED] asked if once there's a model update, does that flow across all properties affected by the update?

[REDACTED] replied there have been changes in Macquarie model because of submissions that have come in.

[REDACTED] asked if there are changes in the model when works are deemed ineligible. The whole Macquarie model now would have to be quite different to the information put out on exhibition last year.

[REDACTED] responded that when entitlements are determined we need to formally adopt the new model. In other valleys, there might be reasonably significant individual changes but not significant valley-scale changes. When we make modelling update and formally adopt these models, at a valley-scale you'll find it hard to pick the differences between model on exhibition and the model now. He acknowledges that the model will be changed, and the department will publish an updated version when the entitlements are determined.

**Outcome: Review committee recommends adoption of Floodplain Harvesting entitlements as defined in Table 2 of the submission response.**

No.	Discussion	Action	Status
	<p>█ stated that the original information on public exhibition was that there would be no decrease in Macquarie, however in Barwon Darling there's a volume of water attributed to the Macquarie. There seems to be varying types of information around what.</p> <p>█ stated there was no need to reduce FPH to comply with legal limits but there are some works that are ineligible and that's driving the percentage reduction. The reduction is because of ineligible works. There would be a slight change in what went out on exhibition.</p> <p>█ asked how has removing the eligible works affected the shares in the Macquarie.</p> <p>█ commented there is not a set volume that we're distributing. We are distributing based on eligible works. If someone's made ineligible it doesn't affect the share of someone else. It plays out differently in other valleys where floodplain harvesting is being brought back into legal limits.</p> <p>█ agrees with recommendation.</p>		
M075	<p>█ stated the recommendation.</p> <p>█ agrees with recommendation.</p> <p>█ agrees with recommendation. █ noted that the OFS went up a bit, and it is interesting that the total area developed for irrigation nearly halved. Due to small allocation, she agrees with recommendation.</p> <p>█ is in agreeance but as stated previously, he lacks confidence in this valley's modelling.</p>	<p><b>Outcome: Review committee recommends adoption of Floodplain Harvesting entitlements as defined in Table 2 of the submission response.</b></p>	

No.	Discussion	Action	Status
	<p><b>Gwydir draft entitlement submission for committee noting</b></p> <p>█ moved that the committee received and noted the letter from █ █ at Alluvium in regard to request done of Committees behalf.</p> <p>█ seconded it.</p> <p>█ endorsed.</p> <p>█ left meeting.</p> <p>█ asked █ to comment.</p> <p>█ commented that the bulk of draft entitlements for Gwydir were dealt with in May 2021. This one had a problem we couldn't deal with at the time. The department needed to negotiate with the landholder and their consultant. The draft entitlement wasn't sorted until recently. They had 28-day period to put in submission regarding their draft entitlement, which they did. Department modeller (█) analysed what their modeller put forward. We're recommending no change to the entitlement.</p> <p>█ supports the conclusion is on page 7.</p> <p>█ supports conclusion on page 7.</p> <p>█ supports conclusion on page 7.</p>	<p>Outcome: For G004-007 the committee supports the departments conclusion on page 7 of the report.</p>	

No.	Discussion	Action	Status
5	<p><b>Other business</b></p> <p>█ asked about meeting commitments in the future.</p> <p>Next on agenda will be Namoi modelling submissions, in the next month to six weeks. The last job for the department is to issue the Namoi floodplain harvesting access licences which is programmed for February 2023.</p> <p>█ asked if there will be more probity audits.</p> <p>█ responded there's nothing planned at this stage.</p> <p>The department will be sending out the draft Macquarie entitlements soon and there could be submissions for the committee as a result of that. Barwon Darling draft entitlements will be going out in August, any submissions for the committee to look at for those would be in September or October.</p> <p>█ asked if we could find a date that suits us all rather being given a date to work around.</p>	<p><b>Action 02: █ will poll three meeting date and time options for the committee to finalise a meeting time for all future meetings.</b></p>	<p>Complete. Next meeting date set for 28 July 2022.</p>
6	<p><b>Meeting close – 3.50pm</b></p>		

## Upcoming meetings

28 July 2022