

Tindall Mataranka to Daly Waters Water Advisory Committee
Meeting Record 3

22 March 2018 – 10.00 am
Community Hall, Mataranka

Members Present

Rebecca Mohr-Bell
Kane Younghusband
Clair O'Brien
Chris Parry
David Ciaravolo
Liam Golding
David Crook
Sharon Hillen
Vin Lange
Helena Lardy

Independent Chair
Horticulturist, Water Extraction Licence holder
Regenerative Agriculture
Proxy for Sarah Kerin, Department of Tourism and Culture
Amateur Fishermen's Association of the Northern Territory
Proxy for Allister Andrews, Jawoyn Association
Aquatic Ecologist, CDU
Roper Gulf Regional Council
TopEnd Farm
Jilkminggan Community Aboriginal Association

Members Absent

Kylie Gracey
Jocelyn James
Kerry Roberts
Darrel Strahley

NT Cattlemen's Association
Jilkminggan Community Aboriginal Association
Jilkminggan Community Aboriginal Association
Proxy for Quintis, Water Extraction Licence Holder

Advisors Present

Tim Bond
Michelle Rodrigo

Director Water Planning and Engagement, DENR
Water Planner, DENR

Observers

Michelle Lawrence

Water Licensing Officer, DENR - Minutes

1. OPENING

Meeting opened at 10.05 am

1.1. Apologies

Kylie Gracey NT Cattlemen's Association

1.2. Introduction from the Chair

The Chair invited Michelle Rodrigo and Tim Bond to introduce themselves to the committee. Michelle Rodrigo introduced herself as the new Water Planner who joined the team in January, resides in Alice Springs and has experience in natural resource management in the NT, including Lake Eyre Basin and the Great Artesian Basin. Tim Bond introduced himself as Director of Water Planning and Engagement. He started December 2017 and has experience in planning, public land administration and community based advisory Boards in the south east of South Australia.

The Chair thanked Michelle Lawrence for taking the minutes.

2. MINUTES FROM MEETING 2

The Committee agreed the Minutes of Meeting 2 held in Mataranka on 29 September 2017 were a true and correct record.

3. COMMITTEE PLAN OF WORK

3.1. Committee roles

Refer to Terms of Reference

3.2. Timeline

- Stage 1: Scene setting/knowledge development - first 2 meetings covered this stage, start to process what we are learning about the resource, however, knowledge and development will be an on-going process.
- Stage 2: Framing up objectives.
- Stage 3: Development of the plan, working with members, testing, knowledge work: estimated yield, management zones, monitoring project.
- Stage 4: Declaration of the plan – public consultations and forming your recommendations;

3.3. Scope of work

Refer to Draft Plan of Work

The Draft Plan of Work describes what can be achieved and by when. It has been amended slightly to more accurately reflect what the Committee will do over the next year. There are 4 key stages (refer to 3.2 Timeline). "M" on the timeline represents when committee meetings will occur. An estimated 10 meetings in total to occur to develop the Plan, with completion anticipated by May 2019.

3.4. Framing up Objectives (Stage 2)

Presentation from Tim Bond on Water Allocation Plans and the role of Water Advisory Committees in the NT, with open Committee discussion:

- The Plan provides guidelines and defines principles for good management. It cannot determine or provide terms and conditions for the Controller. The Controller can only be guided by the Plan.

- Licensing Review – some past decisions have been made in the absence of clear guidance or rationale; department now aims to document decisions more intensely and develop a number of water policies. New policies will be developed in consultation with Cabinet and the Plan can refer them.
- The Plan is a statutory document once declared. Sets the estimated sustainable yield (ESY) and allocations to beneficial uses. Committee provides response from the wider community, then integrated with advice from the department before going to the Minister. The department seeks legal advice on the draft Plan to ensure compliance with the Water Act and clear interpretation.
- The Water Advisory Committee need value and voice heard when the Plan goes to Minister. They have an ongoing role in how the plan is implemented, in providing feedback, and establishing whether objectives are being met.
- The Plan is not only for use by government, but for stakeholders within the wider community. Plans inform the setting of estimated sustainable yields and allocation to beneficial uses. It also opens up options to trade.
- Joanne Townsend, CEO of DENR is currently the Controller of Water Resources.
- At the Committee's request, to ensure fully informed decisions, people with specialist expertise, including the Controller, may be invited to attend future meetings.
- Expressions of Interest will be sought for membership of the Committee once the new Plan is declared to oversee implementation and conduct the 5 year review.
- Committee queried the legal status of a Plan and whether the Controller was compelled to take the advice of the Committee i.e. does the Plan have 'teeth'? Tim explained that the Controller takes comfort in the Committee's advice and the quality of community representation on the Committee. Important for Committee to work with Planner to ensure the Plan is well written and consistent with current legislation, such that the Controller can have full confidence in it. Tim clarified that the Plan is a statutory document when declared and a blueprint for good management, but does not contain prescriptions for licensing decisions.

4. 2017 NT WATER LICENSING REVIEW

(Tim Bond)

Presentations and open Committee discussion

Independent Review of Water Extraction Licences

- Two reports were released on 25 November 2017
- 60 licences were reviewed. 21 recommendations were made. To date, DENR has addressed 13 recommendations, with work ongoing to address the others.
- Further information is available at <https://nt.gov.au/news/2017/november/review-of-water-extraction-licences>

NT Water Allocation Planning Framework

- Tindall Limestone Aquifer Mataranka is considered a humid zone
- The Committee has the capacity to move away from this policy i.e. recommend less than 20% to consumptive beneficial uses with regard to the 80/20 rule. It would be more difficult to justify the opposite approach. The Framework acts as a guide.

Water Resources – Dedicated Resourcing

- Government focus is on better management.
- An additional \$1.8 M committed to employ additional Water Resources staff, including Director Licensing & Regulation and Director Planning & Engagement (separating licencing and water planning functions in the agency), as well as additional Planners, Hydrogeologists, Modellers and Policy experts.

Legislative reform required

- Transparency of water licensing decisions has been improved e.g. public access to current water extraction licences through the Water Portal <http://waterresources.nt.gov.au/waterlicensingportal/>
- Reforming the Water Act to remove the exemption for mining; possibly by the end of the year.
- Inclusion of Strategic Aboriginal Water Reserve as a beneficial use under the Water.
- Stock & Domestic beneficial use may be reviewed under the broader Water Act reform process.

Robust Science Underpinning Planning

- In 2015, the planning zone for the Mataranka Water Allocation Plan was extended south to Daly Waters. The Department's *Daly Basin Groundwater Resource Assessment Report* recommends 40,000 ML/yr could be allocated to the consumptive pool in the 'southern' section (Larrimah/Daly Waters), based on the 80/20 rule. The estimated consumptive pool in the 'northern' section (Mataranka) is currently 25,940 ML (20% of annual recharge).
- Models should use longer term records of recharge, rather than only the last 10-30 years, to make more informed decisions. The Department is now modelling with a 100 year reference period.
- Committee should consider changes in rainfall and other climatic factors. Committee asked whether climate change is factored into models? Extreme variability in the Top End – Plan reviews every 5 years creates opportunity to modify and incorporate new climate science. Factor in climate scenarios and what kind of pressures are observed and what can be implemented to monitor and manage. Look at security levels, possible trade options. What does the model tell us; what would the WAC like the modellers to test.
- ❖ Action – Michelle Rodrigo to email members a link to information on the 2017 Review of Water Extraction Licences in the NT
- ❖ Action – Michelle Rodrigo to email members a link to information on the Daly Basin Groundwater Resource Assessment–North Mataranka to Daly Waters Report

5. NEW NT WATER POLICIES

(Tim Bond)

5.1 Strategic Aboriginal Water Reserve Policy (SWR)

- Policy was released in October 2017. Purpose is to set aside a body of water for economic benefit of Aboriginal people. Could be used to develop, partner with a developer, or undertake temporary trades.
- 80/20 rule - non-consumptive pool (80%) allocated for environmental and cultural flows. Consumptive pool is the rest (20%) - Public Water Supply and Rural Stock and Domestic requirements are allocated first, then SWR. SWR is additional to environmental and cultural allocations and is a reserved component of the consumptive pool.
- If general licence allocations are returned, they go back to the consumptive pool. Once water is allocated to SWR it stays in that reserved portion of the consumptive pool. SWR can be used for other beneficial uses.
- Committee queried the assignment of different security levels for SWR. No guidance on security level, only Public Water Supply and Stock and Domestic have been given high security. The Committee will need to look at security levels for the Plan area. Committee members expressed some concern over the impact this may have on the security levels of existing licence holders.
- Reticulated water (Power and Water Corporation) have water conservation mechanism available to them to minimise use if necessary.
- Western Davenport Plan will be the first to incorporate SWR. SWR does not exist until a Plan is declared.
- Approximately 20% of the total Mataranka-Daly Waters Plan Area is eligible for SWR.

- Water management zones (to support and maximise sustainable management of the resource) are yet to be determined - consider hydrogeological flows and boundaries, flow directions, recharge rates along the rainfall gradient, etc. Committee asked about how management zones & SWR allocations would play out. SWR can't be determined until management zones are finalised. In an over-allocated system, returned water goes first to non-consumptive beneficial uses (environment & cultural flows) and then to the consumptive pool in the following order - Public Water Supply, Rural Stock and Domestic, SWR, then other consumptive uses.
- Committee asked if SWR will be subject to Management of Unused Water Entitlements Policy. Not completely, because this would be counter to the policy intent i.e. to enable economic development for Aboriginal people or the opportunity to build capital to be able to develop in the future. SWR allocations remains in the SWR, even if it is licensed, with consent, for use on non-Aboriginal Lands. SWR cannot be permanently traded.
- SWR interacts with the Trade of Licensed Water Entitlements Policy and Management of Unused Water Entitlements Policy
- SWR needs to be activated through licensing before use or trade is permitted.
- Water Allocation Plan will include a schedule of Aboriginal lands and SWR entitlements, so that trade can be better facilitated (with consent).
- Aboriginal groups can choose how their SWR is used. SWR rights holders are not compelled to develop their entitlement for consumptive purposes. They may elect, for example, to allocate 100% to the environment.

5.2 Trade of Licensed Water Entitlements

Trade is only available with a declared water allocation plan. Trading can occur within a fully allocated Plan, within the same water resource, and within a SWR area. Depending on management arrangements, trade may occur between surface and ground water entitlements. The Committee can recommend how trade should occur between certain beneficial uses and within or between management zones. The Committee is well-placed to provide clear guidelines around water trading.

Concerns were raised in relation to investors buying properties on the basis of water entitlements and the ability to trade. How would investors ensure that security and water will remain available? The investor to ensure due diligence is undertaken prior to purchase of any property, and to inform themselves of the relevant policies, plans and rules.

5.3 Management of Unused Water Entitlements

- Aim of the Policy is to optimise the use of licensed entitlements and return unused water back to the consumptive pool. Policy targets licence holders using 70% or less of their maximum water entitlement.
- Government are focusing on compliance, education and implementation to ensure water entitlements are being fully utilised and, if not, returning the water to the pool for others to use for sustainable economic development.
- Reduces speculative holding of entitlement.
- Licence holders will have the opportunity to provide reasons for under-utilisation and adjust development plans. The aim is not to penalise licence holders with legitimate reasons for under-utilisation.
In a property sale, buyers must do due diligence to establish status of existing water licence. Government's role is to make landholders aware there is a due diligence required prior to purchase, and implications if property is holding unused water. Licence conditions may need to be amended to stipulate stages for development.
- Department is focussed on improving licence monitoring and compliance, however, capacity issues mean the level of monitoring may be less than adequate.
- Framework for recouped water.

- Questions were asked in regard to the relationship to Trade for example can the water be traded if it is unused. Not if it hasn't been used for its intended purpose over a period of years.
- Committee expressed concern that this policy will create uncertainty for development and possible property devaluation. Tim explained that government can make potential buyers/investors aware of the need for due diligence, the policy frameworks and rules, but cannot provide assurances regarding entitlements if the water is not used as licenced.

Trade and Unused Water policies are currently in draft and will be open for public comment in a month's time. The Committee and individuals are encouraged to submit their comments during this time.

5.4 Emerging Policy Development

Policies under review include:

- First In-First served
- Removal of mining exemptions from Water Act

There will be active consultations with Water Advisory Committees and key stakeholder groups about these policies, and how they will operate.

- Application 'rounds' for licences is one possible alternative to first in-first served approach.
- Mining use will need to be identified and allocated in Water Allocation Plans as a beneficial use. Volumes will come out of consumptive pool, and may lead to over-allocations.
- Water extraction by mining companies will need to be licensed regardless of whether it is inside or outside a Water Allocation Plan area.

6. WATER RESOURCE VALUES WORKSHOP (PART 1)

(Michelle Rodrigo)

Michelle explained the need for documenting how the community values the water resource.

- Gives purpose to the Water Allocation Plan i.e. defines what we are managing the resource for
- Informs Plan objectives and 'limits to change'
- Basis for determining Plan success – informs monitoring
- Confidence that needs of the environment and people have been considered
- Informs decisions about trade-offs i.e. getting the right balance

Values of water were explored by the previous Committee in the late 2000s, but as nearly a decade has passed, policies have changed and Committee membership is different, it is important to update the values analysis. Workshop is to take place in two stages.

Part 1 during Meeting 3:

- *Water users* - Who and what needs water?
- *Benefits* – How do users benefit from access to water? What does access enable?
- *Conditions* – the characteristics of water essential to sustaining benefits

See Attachment A for record of Workshop Part 1.

Part 2 scheduled for Meeting 4:

- *Change* – What changes might impact these conditions and how?
- *Influence* – Which changes can we influence/manage in water allocation plans?

7. STATUS OF WATER RESOURCE PLANNING PROCESSES ACROSS THE NT (Tim Bond)

Dealt with in Item 3

9. SUMMARY OF KEY MESSAGES FROM WAC MEETINGS**(Chair)**

- ❖ Action – Rebecca and Michelle to draft and circulate

Key messages from Meeting #3:

- After a brief hiatus, the Tindall Mataranka to Daly Waters Water Advisory Committee has re-commenced work with the DENR Water Resources Division on the development of a Water Allocation Plan for the region. Completion of the Plan is anticipated by May 2019.
- The Committee is providing input on the design and implementation of new NT Government water policies – namely the Strategic Aboriginal Water Reserve Policy, the Draft Management of Unused Water Entitlements Policy and the Draft Trading Licensed Water Entitlement Policy - in the context of implications for the Mataranka-Daly Waters water allocation planning process.
- The Committee was briefed on the outcomes of the 2017 Water Licensing Review and implications for water resource planning in the region, including measures to improve transparency in licensing decisions. Suggestions and further advice were provided by the Committee around ongoing implementation and improvements to licensing arrangements.
- The Committee is currently utilising its broad representative base to document how water from the Tindall Limestone Aquifer is used to support livelihoods, cultural traditions, ecosystems, primary industries and communities, and the water resource conditions which are crucial to the sustainable management of these values.
- A key next step for the Committee is to develop objectives and principles that will guide the preparation of the Water Allocation Plan and ensure the management arrangements prescribed in the Plan are fit for purpose.

10. NEXT MEETING**(Chair)**

Tuesday 1 May 2018 in Katherine. Venue to be confirmed.

The Chair thanked everyone for their attendance and contribution.

Meeting Closed 3.05pm

Attachment A – Record of Water Values Workshop (Part 1)

Water users		Benefits derived from access to and use of water	Water resource conditions required to create benefits
Business/industry cluster	Growers of crops	<ul style="list-style-type: none"> • jobs/livelihoods • more people=more services • taxes • community – keeps families in the region • production of food & other raw materials • national security • multiplier effect to NT/Aust economy • training & professional development • reduction of anti-social behaviour • biosecurity - weed & feral management • active land management • infrastructure • value-adding to primary industries 	<p>Resource conditions:</p> <ul style="list-style-type: none"> • agriculture needs freshwater of < 1400 TDS (approx.) • clean water i.e. not contaminated <p>Management conditions:</p> <ul style="list-style-type: none"> • security of volume • ESY must be sustainable • trust & confidence in regulations & regulators • transparent & efficient processes • access e.g. roads • longer term water licence – 10 years too short for investment
	Forestry growers		
	Fodder growers		
	Cattle (& other livestock) stations		
	Road construction gangs		
	Campgrounds & roadhouses		
	Gas/petroleum/mining		
	Rural livelihoods (e.g. bushfood intensification)		
	National Parks		
	Cement works (extraction & processing)		
	Small block enterprises		
	Commercial fishing/processing		
	Tourism operators		
	Meat processors		
Aquaculture			
Social & cultural cluster	Aboriginal people & cultural practices	<ul style="list-style-type: none"> • maintaining culture – health & well-being • maintain Dreaming in the Roper River • River is at the centre of life: hunting, fishing, plants depends on billabongs, wetlands, rivers, creeks, springs 	<ul style="list-style-type: none"> • drinking water quality needs to be maintained (WHO standards) – when the taste becomes unpleasant, people turn to alternative drinks e.g. soft drink, impacting community health • high lime impacts on hot water systems, pipes/taps • ecosystems should be intact and in good condition • infrastructure should be located away from cultural sites
	Rural living/lifestyles	<ul style="list-style-type: none"> • lifestyle benefits – space, environment, horse/chooks etc. • my own bore – minimal ‘regulation’ • environmental amenity • small business/hobby/cottage industries – wash down, small crops, market garden • rainwater – properties have space for large tanks/self sufficiency 	<ul style="list-style-type: none"> • cheap access to water – availability affected by depth, quality, flow and seasonality • septic tank separation
	Tourists	<ul style="list-style-type: none"> • Cultural tourism opportunities • Unique experience of visiting springs and rivers • Variety of tourist experiences • Access to local produce – markets 	<ul style="list-style-type: none"> • Tourists and non-visitors expect high water quality, crystal clear water - postcard imagery • High quality water supporting quality local produce e.g. barra

Water users		Benefits derived from access to and use of water	Water resource conditions required to create benefits
	Non-visitors – ‘existence value’	<ul style="list-style-type: none"> Gives broader community (e.g. city-dwellers) confidence and comfort that a plan is in place to protect the intrinsic values of the resource NT brand supported – natural & wild Resource has ‘existence value’/ intrinsic value to broader community 	<ul style="list-style-type: none"> Well-managed riparian vegetation
	Recreational fishing & boaties	<ul style="list-style-type: none"> fresh food recreation/lifestyle well-being – out in nature connection to environment social and cultural link/heritage tourism – economic benefit, 80% on accom/food 	<ul style="list-style-type: none"> healthy fish stock – species & size freshwater flows healthy ecosystems no barriers to movement
	Communities/small towns	<ul style="list-style-type: none"> lifestyle drinking water economic centres: 	<ul style="list-style-type: none"> volume of water quality of water – drinking irrigation of public spaces Mataranka, Daly Waters, Larrimah septics are old systems – potential threat to other users and values
	Expanding towns	<ul style="list-style-type: none"> - services - social/sporting - amenity supporting a district/region 	
Natural environment cluster	Sinkholes & soaks	<ul style="list-style-type: none"> survival of riparian vegetation 	<ul style="list-style-type: none"> floodplain inundation during wet season freshwater flows into estuary perennial flow in the Roper well-oxygenated water high wet season flows natural (as opposed to artificial) levels of connectivity integrity of nutrient cycling processes management of ferals management of fire regimes access to groundwater by vegetation <i>contact Lindsay Hutley for info on groundwater dependency of large savannah trees</i>
	Wetlands, swamps & floodplains	<ul style="list-style-type: none"> mutual dependence – riparian veg supports water quality and streambank health 	
	Estuarine ecosystems	<ul style="list-style-type: none"> survival of waterbirds and fish - rivers provide connectivity between habitats and a food source 	
	Aquatic vegetation (water plants)	<ul style="list-style-type: none"> waters sustain habitat diversity 	
	Carbon sequestering systems	<ul style="list-style-type: none"> provides refuges in dry season 	
	Riparian vegetation	<ul style="list-style-type: none"> floodplains – water flows provide replenishment of sediments 	
	Wet-season rivers & creeks	<ul style="list-style-type: none"> influx of nutrients in wet season 	
	Dry-season baseflow rivers & creeks	<ul style="list-style-type: none"> turtles: 	
	Large trees	<ul style="list-style-type: none"> - use springs for temperature control - movement between habitats - nesting sites (created by flows) 	
	Local & migratory waterbirds – waders & riparian	<ul style="list-style-type: none"> migratory birds – stop over/resting habitats 	
	Fish & crustaceans e.g. mud crab, cherapin	<ul style="list-style-type: none"> fish benefit from oxygenated water, influences population dynamics 	
	Turtles	<ul style="list-style-type: none"> benefits from rarity of cease-to-flow conditions in Roper 	
	Other aquatic fauna		
Non-aquatic fauna – reptiles & other			