

Western Davenport Ti Tree Water Advisory Committee

Minutes - Meeting #06

Meeting date: Monday 3 October 2022 Start time: 9:00am

Location: Teams meeting (video) and Daly Meeting room, Level 3 Goyder Centre

Meeting Summary

The main focus of the meeting was to provide advice on the draft Water Allocation Planning documents to be released shortly by the Department for public consultation.

Minutes from meeting 4 and 5 we adopted and accepted for publication on the Department website. In addition, an update was provided on recent Aboriginal consultation activities at Tennant Creek. The main message was that many of the people that attended had a good understanding of water management issues in the region and were able to provide an indigenous knowledge perspective. There was agreement for ongoing engagement between the Department and Aboriginal people and strong support for the establishment of an Aboriginal Reference Group with clear links to the Water Advisory Committee.

The Committee received a presentation on the new water planning process being adopted by the department which outlined the intent of the three components to be released: Western Davenport 2022-2032 Background Report; Draft Western Davenport Water Allocation Plan 2022-2032 (WAP) and Draft Western Davenport 2022-2032 Implementation Actions. The Committee noted that only the WAP would be gazetted. The Committee sought clarification on a number of issues. The Committee was concerned that much of the material discussed in previous meetings, such as the Objectives, had been removed from the WAP. The Committee resolved to raise various concerns with the Water Controller regarding the draft documents as quickly as possible while further developing more formal comments during the public consultation process. In accordance with previous guidance, it was noted that any public comment on the draft documents from the Committee would be from the Chair and that any requests for comment should be directed to the Chair or the department.

Recommendations and Actions

Recommendations from Meeting #06	
6.9	Requested that CLC prepare initial information on appropriate members to be on the ARG and work with the Department to begin to develop the Terms of Reference for the group.
6.11	Committee to send advice letter to the Water Controller and the Minister with 2-3 weeks

Meeting Record

Item 1 Welcome and intent of meeting

The Chair opened the meeting and welcomed members, proxies and observers.

The intent of the meeting is to provide the Department any further comments on the draft Water Allocation Plan (WAP) and associated documents the Department intends to put out for public consultation. To provide more advice on the key matters identified during the review of the effectiveness of the previous plan and how this has been addressed in the new 2022 – 2032 plan documents.

Item 2 Acknowledgement of country

The Chair provided an acknowledgement of country: “We respectfully acknowledge the past and present Traditional Custodians of the land on which we are meeting today and the land which is to be spoken about during this meeting”.

Item 3. Attendance & Confirmation of Agenda

Attendance and apologies were noted. A quorum was reached. Agenda agreed on, no changes.

Members present	Method	Apologies	Department staff	Method	
Andrew Johnson (Chairperson)	Online	Paul Burke	Amy Dysart	Meeting room	
Jade Kudrenko	Online	Michael Liddle	Tracey Sawyer (Observer)		
Steve Morton	Online	Barbara Shaw			
Nick Ashburner	Online				
Paul McLaughlin	Online				
Roy Chisholm	Online				
Annette D’Emden – joined at 11.05am	Online				
Roy Chisholm	Phone				
Proxies	Online				
Kate Peake (for Paul Burke)					
			Meeting Secretariat		
			Yvette Wilkes	Meeting Room	

Item 4. Declaration of interests

Nil.

Item 5. Nominated meeting evaluators

Committee agreed to have no evaluator.

Item 6. Endorsement of Meeting #04 and #05 minutes

The Minutes from Meeting #04 were accepted with Nick Ashburner’s comment clarified

Meeting #5 accepted with no changes.

Item 7. Actions & business arising

Outstanding recommendations and actions from previous meetings		Status
A2.2	The department will provide members with links to several technical reports when they are published: 1) 2018 Western Davenport model report; 2) Independent model uncertainty	Partially complete, 2 of the 3 reports are publically available. The model uncertainty report has not yet been

	analysis report; 3) Western Davenport water quality (salinity) report	published, as a summary report is being prepared to release with the report. The Department is working with a communication specialist on this.
A2.14	All members to consider opportunities for engagement with their sectors and contact the department to discuss.	Meeting held in Tennant Creek with CLC, 14-15 Sept. Meeting with NT Farmers Irrigator Forum, 20 Sept.
R3.2	The Department considers producing a version of the WD water balance paper for the public record that clarifies terms, certainty in water balance volumes and differences in approaches between the current and future water allocation plans.	Agreed and to be undertaken in the context of Department process documentation, such as ESY guideline.
R3.4	Cultural values and significant sites should in some way be considered in the refined limits of acceptable change for the new Western Davenport plan.	CLC to provide suggested content for WAP documents as best practise. CLC provided comments to Claire Taylor. Nick Ashburner will forward these on to Amy Dysart

4.6	<p>The Department to advise when the Guideline on Establishing an ESY and the GDE monitoring guidelines are publicly available in the coming months.</p> <p>Optional action - ALEC/other members to propose guidance for the Committee to consider regarding minimising degradation to GDEs within the plan area from grazing etc. (note this may be outside of the development of the WAP)</p>	In draft - Amy Dysart circulated
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Item 8. Correspondence in/out

Nil out

In

Date Received	Correspondence	Comment
31 Aug 22	Department response to meeting #5	
12 Sep 22	<p>Two Freedom of Information (FOI) requests. 1. WAC WDTT correspondence between members 1 Jun - 12 Sep.</p> <p>2. WAC WDTT correspondence between chair and ED 1 Aug - 12 Sep.</p>	Release dates for both FOI's is 30 days from the Department receiving the request.
16 Sep 2022	Question whether this public position is at conflict with role on WAC?	The Chair reconfirmed that individual licence decisions are not part of the WAC process. He advised that there was no conflict of interest, especially considering the effective role the committee members have been playing. Committee members expressed that they all have some level of conflict of interest but they are all careful to separate their work/personal

		interest from those of the WAC process.
30 Sep 2022	CLC submission to Committee and CEO of DEPWS	Noted

Item 9. Consultation feedback

- The Department (Amy Dysart and Dale Cobban, Senior Water Modeller) and CLC attended a meeting with Aboriginal traditional owners on the 14-15 September in Tennant Creek. Approximately 20 traditional owners and residents of the district attended.
- The purpose of the meeting was to provide an introduction around the plan, including key issues and the planning process, along with how it relates to the Western Davenport resource. Secondly to agree how the Department could work more closely with Aboriginal traditional owners and residents of the region in future to ensure cultural considerations are managed appropriately, Aboriginal Reference Group (ARG).
- The meeting was successful and there was support for an ARG. On the second day it was agreed they would meet again in Tennant Creek to review the draft plan and finalise the membership of the AWRG, noting that some senior people were not at this meeting due to working on the repatriation project.
- The attendees were actively engaged and showed a deep understanding of the aquifer dynamics and of drawdowns. There was frustration that they felt they had not been involved enough. Frustration also by native title holders as opposed to Aboriginal Land Trust owners, as the native title holders feel they do not really have much of a say, and there is no economic benefit for them when a water license is granted. They expressed a desire to be consulted when water license decisions are made.
- Overall there mix of opinions between wanting water for economic benefit and water being left for country and family.
- They expressed the ARG would want to meet with the WAC and be part of the process. ARG representatives will be comfortable talking about general processes but if it comes down to talking about individual areas, relevant TOs will need to be in the room.

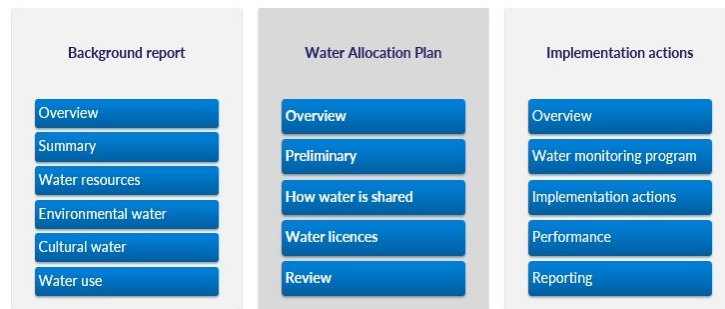
Action 6.9

Requested that CLC prepare initial information on appropriate members to be on the ARG and work with the Department to begin to develop the Terms of Reference for the group.

Item 10. Draft Northern Territory's Water Allocation Plan documents

- The department presented with the new water plan structure and the reasoning behind it. During the year the department reviewed the planning process to identify opportunities to improve. As previously discussed at two previous meetings the new structure splits the plan into three documents aligned to their purpose, Background Report, Water Allocation Plan and the Implementation actions. The current litigation has further refined the water allocation plan to align to the legislative requirements.

Overview plan documents



- While the new format was acknowledged make the plans understandable, there were concerns with only the water allocation plan was being gazetted. The feedback on the background report was largely positive as a concise summary of the information on the water resource.
- It was acknowledged that a significant change during the process was to the objectives, the previous plan had objectives and the Committee had reviewed these during the process. A refined version of the objectives of sharing were instead included and were retained in the implementation plan, which was above the legislative requirements.
- The Department further explained that the input from the committee about the importance of adaptive management helped inform the focus on the implementation actions and the commitment on the department to more regularly report on the water resource management actions.
- It was clarified that the 2020 guideline for limits for acceptable change for groundwater dependent ecosystems (GDEs) in the region is referenced in the WAP as suggested at a previous WAC meeting. While there was previous discussion on possible improvements to the guideline this work will take a number of years to be completed and is anticipated to be included in the review of the plan.
- The Water Allocation Plan is aligned to the legislative requirements of the Water Act and gazetted, the supporting documents will also be considered in decision making processes similar to other policies by the Controller of Water Resources.
- Likely the background report will be updated during significant changes in information during 5 year review or development of a new plan at 10 years.
- As discussed previously the Department is working towards annual reporting on the implementation actions – format is currently in draft.
- Concerns were raised about the removal of the cultural and environment objectives. The Committee would like to see the cultural and environment objectives within the gazetted document.
- The Committee thought that the separation of the implementation actions reduced the commitment and asked if a reference could be strengthened in the plan.
- There were questions on the ESY and ensuing sufficient precaution. The department clarified the natural water balance, map of impact area after 10 years of extraction and that licences are staged, which cannot progress to the next stage unless all conditions of a license are met.
- When considering a license application the impact to neighbours must be considered by the WC under section 90 of the water act. Neighbours must also be notified.
- Draft of the Western Davenport State of the resource will be available at the next meeting.

Item 11. Advice to Water Controller

- The advice to the Water Controller should be in two parts. The first in relation to the three documents going out to public consultation. The second is the formal advice on the Singleton water licence separately.
- A main concern is the lack of protections around the cultural and environmental values, noting that these are not in the legalisation and based on Crown Law advice the department is limited on what can be addressed.
- Commitment to implementation actions needs to be stronger.
- Technical detail has been well received, with the Committee acknowledging the work and improvements in this area.
- The current format majority of committee do not endorse and do not want their name against it saying they endorse it as a committee, although noting structure is not for endorsement as it is a result of legislative responsibilities and to prevent future opportunity for litigation.
- It is important that the new format clearly identifies that only the water allocation plan is gazetted.
- The plan should have strong structure in place that extraction is staged and there is a reasonable level of ongoing monitoring. This is not demonstrated in the new format.
- It was acknowledgement that litigation environment, current legislation and legal advice will constrain the Departments ability to make significant changes at this stage.

Action 5.11

Committee to send advice letter to the Controller and the Minister.

- Letter to Minister to include concerns the current framework does not enable precautionary principle and that serious thought needs to go into significant legislative reform of the Water Act.
- Two to three committee members to work on drafting letters to the WC and Minister on the new document structure and advice on the Water Allocation Plan.

Item 12. Public consultation

- All three documents will go out for public consultation as a package on the 10 October, for 5 weeks. This will mean a short turn around for collating the feedback and presenting to this Committee.

Item 13. Wrap up

- The Committee will write letters to the Controller and the Minister regarding the new structure and the draft Water Allocation Plan.
- During the consultation period the Water Advisory correspondence goes through the Chair but for organisations they represent can respond as appropriate. Committee members can make comment as a member of their organisation on the documents released publicly only, not on documents available through the committee.

Items 14. Future meetings

- The proposed date for the next meeting is Monday 21 November, preference is in person in Alice Springs.
- Meeting will look at community feedback and the final documents of the Western Davenport Water Allocation Plan.

Items 16. Meeting Close

Meeting closed at 2.30pm