

Oolloo Water Advisory Committee
Meeting Record 8

6 July 2017 – 10.00am
Douglas Daly Research Farm

Members Present

Kate Peake

Sam McBean

Phil Howie

Eddie Webber

Peter Rix

Peter Marks

Lizzie Sullivan

Acting Chair

Regional Development Australia Northern Territory

NT Cattleman's Association representative

Community Member, Water Extraction Licence holder

Community Member

Proxy for Malcom Baker (present from 10.25am)

Quintis, Water Extraction Licence Holder

Horticulturist, Water Extraction Licence holder

Traditional Owner

Members Absent

John Childs

Mona Liddy

Alison King

Rob Lindsay

Warren de With

Dick Perry

Simon Smith

Lorrae McArthur

Chair

Traditional Owner

Aquatic Ecologist

Maddaingya Malak Malak Ranger Program

Representative

AFANT Representative

Community Member, Water Extraction Licence Holder

NT Farmers Association representative

Northern Land Council

Advisors Present

Jo Townsend

Gabby Yates

Liza Schenkel

CEO, DENR

Water Planner, DENR

Community Engagement, DENR

Guests

Cameron Heeb

Farm Manager, Douglas Daly Research Farm

Observers

Pru Ducey

DENR, Minutes

1. OPENING

(Kate Peake)

Meeting opened at 10.10am

1.1. Apologies

John Childs	Chair
Mona Liddy	Traditional Owner
Trish Rigby	Northern Land Council representative, Proxy for Lorrae McArthur
Alison King	Aquatic Ecologist Alison will be attending a similar workshop with DENR staff next week
Rob Lindsay	Maddaingya Malak Malak Ranger Program Representative
Warren de With	AFANT Representative
Simon Smith	NT Farmers Association representative

2. MINUTES FROM PREVIOUS MEETING

The Committee agreed the Minutes of Meeting 7 were a true and correct record.

2.1. Business arising from Minutes

Groundwater Discharge Protection Areas

A discussion paper was provided to members prior to the meeting. Committee members voiced the following concerns about the proposed groundwater discharge protection areas and requested further information:

- ❖ One committee member said it can be a struggle to find good yields of groundwater in areas that are suitable to irrigate and was concerned that by including an additional constraint to bore locations, this could make development harder which could impact on the economic outcomes of the Plan.
- ❖ All bores on Douglas Daly Research Farm are within the buffer zone. A key element of the proposed rules is that they are not applied retrospectively.
- ❖ Who will be impacted if the discharge protection areas are included? And how will they be impacted?
- ❖ It is important landholders are aware of the groundwater discharge protection areas, before they apply for a Bore Construction Permit or a Water Extraction Licence.
- ❖ *ACTION: Sam Mc Bean agreed to summarise the key concerns and provide this to the committee for consideration at the next meeting.*
- ❖ *ACTION: Gabby Yates to provide further information about the implications for existing water users if the protection area is included in the Water Allocation Plan including how many licence holders will potentially be affected.*
- ❖ *ACTION: Members were advised they could consider the paper in more detail, and provide feedback to Gabby by Friday 13 July.*

Project Timeline

❖ *ACTION: Gabby Yates will redraft the timeline and email to Members.*

Outstanding - Members had asked to see the full draft Plan, prior to it going out for Public Consultation, and then for an additional meeting to consider the feedback received as a result of the public consultation. This will be incorporated into the timeline.

Additional water balance information

❖ *ACTION: Gabby Yates to change colours on discharge/recharge graph so they are not blue and red which are the colours used in the "Change in Aquifer Storage" graph and update the plan drafting*

This has been provided in the most recent draft of the Plan.

Mining

❖ *ACTION: Gabby Yates to check the hectare area quoted in the table in the plan drafting*

Addressed, updated info has been provided in the most recent draft of the Plan.

Risk Assessment

❖ *ACTION: Gabby Yates to provide members with tables of the risk categories – likelihood, consequences, and confidence in risk rating.*

Outstanding – Gabby Yates to email to members.

3. MONITORING AND EVALUATION WORKSHOP (Gabby Yates, DENR)

The main focus of this meeting was to gather information, through a workshop format to inform the drafting of the Implementation, Monitoring and Review sections of the Plan.

Members worked on identifying what positive outcomes and then negative outcomes might look like in relation to the focus areas of Cultural and Social, Environmental and Economic values.

Important points noted by members following this activity were:

- the importance of the health of the river
- sustainability of agricultural industries and supporting healthy communities and cultures with minimal impact on the river
- water quality and flow, and ecological diversity must be maintained
- quality of water and maintaining the resource for future generations
- reduce the potential for failed projects in the territory by ensuring water is managed sustainably
- consistent, adequate and sustained funding needs to be available for monitoring and evaluation
- sustained community engagement
- maintain health river systems for lifestyle, culture, environment. Find the best balance between all the values

- relationships – planning is about striking a difficult balance between stakeholders. If a diversity of stakeholders are happy, then there will be good outcomes for economic, environmental and cultural values
- spend dollars now to save dollars later – address knowledge gaps, undertake monitoring, evaluate and assess
- Need to ensure that there are not unwanted outcomes from the ‘use it or lose it’ policy. i.e. people need time to do good business planning and undertake their developments. Don’t want a situation where licence holders feel they have to rush into their developments because they might lose their water.
- a large effort is put in by both the Department and the Committee to allocate water between consumptive beneficial uses and non-consumptive beneficial uses. It is a bad outcome if water is allocated to licences and not used. Note that when an application for a water extraction licence is made, the licence holder is able to stage their development and this is considered when unused water is assessed.

Members were then asked to identify indicators that could be used to measure the success or failure of the outcomes identified earlier in the day.

The final part of the workshop involved members identifying which indicators they saw as most important.

The results of the workshop have been written up and are presented in Section 8 of the draft Plan.

A similar workshop will be held with Departmental staff in Darwin on Monday 10 July, to add to the information gathered today.

4. DRAFT PLAN – WHAT HAS BEEN COMPLETED AND WHAT IS STILL TO BE DONE

Members were provided with information on what sections of the Plan had been completed and agreed on through the meetings to date, and what sections of the Plan were still to be done.

There was further discussion regarding the use it or lose it (unused water) section.

❖ *ACTION: Gabby Yates to circulate by email to members the current draft of the use it or lose it section, for comment.*

❖ *ACTION: Committee members to provide any feedback by 24 July.*

5. NEXT MEETING

Date to be confirmed.

Gabby advised those present, that she had accepted a new position in Tasmania, and would be finishing with the Department on 3 August.

On behalf of the Committee, the A/Chair extended thanks to Gabby for her tireless efforts in getting the Plan to this stage.

- ❖ *ACTION: Gabby Yates will provide members with a copy of the full drafted Plan, by Thursday 20 July.*

Meeting Closed 3.50pm

Out of Session Email Correspondence on matters discussed at the meeting – for reference at Meeting 9.

In response to the Use it or Lose it section of the Plan (Unused Water)

One Committee member commented that the drafting appeared to provide adequate protection for licence holders with regard to the issues they were concerned about (e.g. making sure that the policy does not result in water being taken from licence holders who have genuine plans to use their water entitlements; or result in perverse incentives for farm planning and decision making).

One Committee member posed the following questions about the policy. Answers are provided in italics:

1. If the licence is sold, say 2.5 years into the licence and has been unused to date, do the new owners get half a year to develop the licence or does the three years restart?
A new licence holder cannot be held responsible for any non-compliance with terms and conditions of a licence held by a previous licence holder
2. If the licence, or portion of the licence has been leased to someone else and the lease has been unable to use the water, is that water classified as used or unused?
If water is leased and is not used, it is still counted as unused because in a leasing arrangement, unless the licence holder is changed, the licence holder remains the lessor
3. Does the Water Controller have a guide to the percentage recouped per year, ie 33% over three years or 30% in the first year and 10% in the years following or is it completely at their discretion?
This decision is at the discretion of the Controller

In response to the proposed Groundwater Discharge Protection Areas

One Committee member had the following comments and questions:

- The proposed groundwater discharge protection areas will make it difficult for licence holders to fully utilise their water entitlements for the following reasons:
 - There is only a limited amount of soil suitable for irrigation, especially when slope and topography is considered

- It can be difficult to find large volumes of water suitable for irrigating broad scale agriculture (e.g. up to 100ha per bore) in the Ooloo Dolostone Aquifer due to its formation.
- What are the options for licence holders who have land suitable for irrigation inside the groundwater discharge protection areas:
 - Would there be any allowance made that would allow a licence holder to have a licenced extraction bore within the Area e.g. if there was additional monitoring?
 - Is more research required to prove the impact that production bores would have on the river and spring systems in these locations? If so, would a moratorium on drilling in these areas be suitable until further research is completed?
 - If the groundwater discharge protection areas are included in the Plan and this limits a licence holder's development options, what does this mean for the portion of licenced water entitlements that are unable to be used? What does it mean for the land that is suitable for irrigation but is located within the Area?

One Committee member had the following comments:

- Each licence or permit decision is at the discretion of the Controller of Water Resources. Perhaps the Controller would consider extenuating circumstances in considering an application to include a licensed extraction bore on a groundwater extraction licence within the Area.
- Could a risk assessment be developed to aid decision making in this situation? This could include consideration of factors such as:
 - Percentage of arable land suitable for irrigation within the land portion/ property seeking a production bore within the exclusion zone.
 - Potential for erosion.
 - Estimated quantity/ pumping rates of water required from that particular bore.
 - Potential for water on that property outside the exclusion zone (hydrology report).
 - Viability of property if application is refused.
- What role would additional monitoring play in this situation?

One Committee member had the following comment to add to the risk assessment decision making suggestion:

- It is potentially not just the percentage of arable land that is important. E.g. other future developments may be viable on the land within the Groundwater Discharge Protection Area such as aquaculture, tourism related opportunities, cattle production. Any factors that are established to inform discretionary decision making should include relevant factors for these types of development as well as irrigated agriculture.