

# Western Davenport Ti Tree Water Advisory Committee

## DRAFT Minutes - Meeting out of Session

Meeting date: Monday 26 October 2022 Start time: 10:09am

### Meeting Record

#### Welcome and intent of meeting

The Chair opened the meeting and welcomed members, proxies and observers. Thanking all members for attending at short notice.

The Department, Amy Dysart, to present to the committee a response to the committee concerns raised over the past 12 months. The Chair has a meeting with the Minister on Monday 31 November to discuss that WAP.

#### Acknowledgement of country

The Chair provided an acknowledgement of country.

#### 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 left 11.10	Meeting room
Jade Kudrenko	Online	Nick Ashburner	John Gaynor	Online
Steve Morton	Online	Barbara Shaw		
Paul McLaughlin	Online			
Annette D'Emden	Online			
Roy Chisholm	Online			
Michael Liddle	Online			
<b>Proxies</b>				
Kate Peake (for Paul Burke)				
Ben Kaethner ( for Nick Ashburner)	Online		<b>Meeting Secretariat</b>	
Observer			Yvette Wilkes	Meeting Room

#### Correspondence in/out

Nil in

Nil out

## Endorsement of Minutes

Meeting 6 minutes accepted

Minutes of Out of Session 1 were accepted with the changes from Jade Kudrenko.

## Meeting Summary

The ED ER indicated that the Department and Water Controller would like to acknowledge the considerable input from the Committee and respected the advice to this process. It has been very valuable to hear the different perspectives.

Amy focused on the main areas of concern raised by the Committee to the Department and the Water Controller and how the Department responded in the documents. Noting also that the Department as a consequence from the advice and comments from this Committee, had a whole range of things which they had changed and adopted to improve the WAP.

Members of the committee raised concern that the advice had been that the three documents would show track changes but it seemed that when they ran the documents through an app to highlight differences that not all changes had been highlighted. The ED indicated that the Department had a number of people looking at the documents for editorial and other inputs and that she had only included those changes where major differences in response to comments or concerns from the committee had been made.

- The Department acknowledged that they have been continuously reviewing the three documents for minor editorial changes, readability, legal feedback and expanding on content when required.
- The Department has looked at the review mechanism proposed by the Controller at the previous meeting in order to reflect the intent of the precautionary principle. Staged release of water under current licencing decision will mean that over the next five years of the plan, only 50% of the ESY will be released before the next review process.
- In addition, the Department proposed to adopt a 70% of use as an additional trigger when a review would be undertaken of the implications of this level of use within the Beneficial Use categories.
- The Committee had indicated that it was opposed to “resource mining” in the arid zone. In response, the Department has moved away from the NT Allocation Planning Framework policy which enables a long term reduction in the resource base to adopt an ESY.
- A further matter the Committee raised was a concern that the objectives have been removed from the gazetted WAP and that consequently there is inadequate recognition of cultural and environmental issues. The ED indicated that the structure of the WAP was in response to Crown Law advice and that the Act requires environmental and cultural values to be recognised in any licencing decision and that it was proposed to develop a standalone policy which would be complementary to the NT Allocation Planning Framework in decision making. Amy acknowledged that the content and input from this Committee would be considered in the development of this policy document which could potentially be adopted across the Territory. The policy will guide the implementation and management activities of the resource.
- The protection for groundwater dependent ecosystems (GDE's) is reflected with in the water allocation plan, as the current guideline from 2020 is referenced. Amy confirmed again where documentation (policy or guideline) exists it is referenced in the Plan rather than being included in Plan. This reduces potential conflict between two documents- which has priority and for what purpose as it is likely that some of the policies may change within the review period of Plan.

- The Committee had mixed views on the review of the GDE guidelines. As the review is not complete it cannot be referenced in the Water Allocation Plan (WAP) but it is expected that this work will continue to be refined over time, especially once the verification of the ground truthing and the remainder of the areas on the map have been completed. In addition, it will take time for the monitoring data to become available from the recently completed and proposed drilling program. These works would provide valuable information on the water requirements of wetlands such as Thring Swamp.
- It was acknowledged that cultural values not currently adequately reflected within the WAP. This is because the Department has not done the work with its partners to define the cultural sites that need to be protected. The advice provided by committee members was that specific licencing proposals needed to be raised with TOs to determine potential impacts and identify any remedial measures. This was identified as part of the licencing process. In addition, advice was that it would be necessary to define the sites and values before they could be adopted in the WAP. This can either be done through a guideline document, like GDE's or directly into the WAP when it is next reviewed.
- The Department has in principle agreement for the establishment of the Aboriginal Reference Group, who will assist in providing advice on cultural values. This will be a large focus for the Department for the next 12 months. The Water Controller will still consider cultural values within license decisions. Currently there are licenses in the Western Davenport region that are required to do work in this area to sufficiently manage the risks, while the Department complete work in this area.
- Some members of the Committee were concerned that the WAP did not contain clear objectives. The ED indicated that the Objectives developed with the Committee were used in the Implementation report to guide the monitoring and evaluation of the WAP. She indicated that there had been some discussion regarding the inclusion of objectives in the WAP and based on legal advice this was not adopted.
- In addition, some members were concerned that the WAP did not contain a risk assessment. This was taken on notice.
- The Department will seek advice on being very explicit if there is a change in the Water Act legislation that it triggers a review of this plan.
- Amy advised that the recruitment for a new Water Controller is underway and expectations is that a new one will be appointed in the next couple of months.
- The Department would like to release the documents for broader public consultation on the 7 November till the 4 December subject to Ministerial agreement. It was noted that the timeframes for the public consultation process would mean that the current plan expires and there is a period when licencing decisions would be guided by the broader government policy framework. The Controller indicated at the last meeting, she is comfortable to have a few weeks where there is no plan, while public comments are reviewed.
- The documents are basically ready to go out now but aim to be finalised by the end of the week. This includes looking at elements that are reflected in the water allocation plan and how they are supported in the background document and extending the information to make the join between the documents flow better, such as the ESY component and how those numbers were derived.
- The Committee recognises that the Department whether successfully or not has tried to address the issues raised by them but more than likely some members would not be able to support the WAP. The Chair indicated that there was a further review point following consideration of any public comment and this would be an opportunity for the Committee to provide further advice. If there was still differing views they would be compiled in the advice to the Controller and Minister.

- Some Committee members were concerned that the documents inferred that the Committee developed the plan or endorsed the process. It was agreed to change the words in the Plan to reflect that the WAP was developed by the Department which sought comment and considered the advice from the Committee on proposed material to be contained within the Plan.
- It was suggested that from a pragmatic perspective that the Committee had extensively discussed the various issues and that it was unlikely that the disparate views would change and that there was a need to move forward. It was recognised that some members of the Committee wanted more but that the Department was not prepared to accept this due to legal advice which indicated the Department needed to be specific regarding any material contained within the WAP and that it should only address matters determined by the Act.

**Wrap up**  
**Meeting Close**

Meeting closed at 12.10pm