Western Davenport and Ti Tree Water Advisory Committee: Meeting 9 minutes

Date: Thursday 4 April 2024 Time: 9.00 am to 4.00 pm

Location: AZRI conference room, AZRI Main Building, 519 South Stuart Highway, Alice Springs

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| **Attendance** |
| Initials | Name | Position | Notes |
| JK | Jade Kudrenko | Member, Environmental interests |  |
| RC | Roy Chisholm | Member, Agribusiness interests |  |
| AD | Annette D’Emden | Member, Regional development and remote water supply interests |  |
| GT | Greg Troughton | Proxy for Paul Burke, Agribusiness interests |  |
| NA | Nick Ashburner | Member, Aboriginal water interests |  |
| SM | Steve Morton | Member, Ecosystem science and natural resources interests |  |
| Facilitator |
| RM | Rod Marsh | Watertrust Australia | Facilitator (as Chair resigned in April 2023) |
| KP | Kate Peake | Watertrust Australia | No longer a Committee member |
| DEPWS staff |
| EDWRD | Amy Dysart | Executive Director Water Resources |  |
| CEWRD | Nicole Joy | Committees & Engagement Officer | Secretariat |

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| **Apologies** |
| Initials | Name | Position | Notes |
| BS | Barbara Shaw | Member, Aboriginal water interests |  |
| ML | Michael Liddle | Member, Aboriginal water interests |  |
| PM | Paul McLaughlin | Member, Irrigated agriculture interests |  |

1. Meeting opening and attendance

Meeting commenced at 9:04 am. There was unanimous approval to record the meeting.

* 1. Welcome, acknowledgement of country, and meeting purpose

EDWRD welcomed everyone to the meeting and thanked everyone for attending.

RM acknowledged Country and Traditional Custodians.

RM confirmed the agenda and meeting quorum.

1.2 Attendance, conflicts of interest and confidentiality

Nil conflicts of interest declared.

AD noted she has signed a conflict-of-interest form with the Tasmanian Government.

Nil confidential matters declared.

1.3 Previous minutes

The Committee approved the minutes for Meeting 8, they will be loaded on the Department website.

**1.4 Actions Register**

Review of register and update provided on actions.

1. Matters for noting and discussion
	1. Revised consultation summary

RM noted that the considerable additional work done on the Consultation Summary since Meeting 8 and he sought comments from the Committee.

The Committee noted that the revised Consultation Summary is clearer, more transparent, and more reflective of community and stakeholder views. Members provided the following specific comments:

* Members reiterated that the previous version didn’t sufficiently capture the Committee’s views and wider feedback, it felt more like a defence of the Departments position. In general, the revised version feels more reflective of feedback.
* Members remain concerned that the Consultation Summary implies their endorsement of the Plan objectives, this was not the sentiment of the Committee when the objectives were finalised.
* Several members recommended that all the documentation (the Consultation Summary and the three Plan documents) would benefit from a third-party edit to ensure consistency of language.
* Members agreed that the process for improving and updating the Consultation Summary has been very constructive.
* Members strongly supported the use of the revised Consultation Summary as a template for future water allocation planning processes.

EDWRD reflected that the revision has made the Consultation Summary a better record of the consultation process and the consequent changes to the Plan. Developing the document crystalised some of the challenges surrounding the planning process.

EDWRD committed that this will be the model for consultation summaries in other plan areas, starting with Mataranka.

**Action 1:** Conduct a final edit of the Consultation Summary and the three Plan documents to identify any errors and ensure consistency of language.

**Action 2:** The Committee has two weeks to provide any other comments on the Consultation Summary and three Plan documents (preferably via tracked changes in MS Word) prior to their finalisation. Comments need to be provided by 21 April 2024.

**Action 3:** The Department will edit the Consultation Summary based on the comments from the Committee outlined above and any additional comments provided before the two-week deadline.

* 1. Finalise Committee advice on the Water Allocation Plan

The Committee discussed options for the structure and content of their advice to the Minister. The advice will reflect the differing views of Committee members. Watertrust will collate the advice and circulate a draft letter to the Committee for their review, comment and approval.

EDWRD provided advice in relation to changes to the *Water Act* introduced in March 2024 and not yet passed. While the Committee’s Terms of Reference stipulate the provision of advice to the Controller of Water, the Department’s advice was that this correspondence should be forwarded to the Minister instead, pending the relevant changes to the Act.

**Action 4:** A draft of the advice to the Minister will be developed and circulated to the Committee for input and approval. Aim to have the final draft to the Minister on 30 April 2024.

**Action 5:** In addition to the verbal advice provided, the Department will circulate a PowerPoint presentation outlining the proposed *Water Act* amendments to the Committee.

**ADVICE TO THE MINISTER:**

The Committee acknowledged the need for a plan for the Western Davenport water control district. However, the Committee was unable to come to a consensus that would unanimously support the current Draft Plan.

The Committee agrees that the Draft Plan offers a higher level of protection than the *Northern Territory Water Allocation Planning Framework*, the default guide for water management in the absence of a plan. However, members of the Committee have significant concerns with the Draft Plan. These concerns are represented below, aligned against the six key themes from the *Consultation Summary,* which collates stakeholder and community feedback on the Draft Plan:

**Deficiencies in the process to develop the Draft Plan:** Members of the Committee (4 of 6 members) feel their influence on the planning process was very constrained, particularly given the prior development of the *Guideline: Limits of acceptable change to groundwater dependent vegetation in the Western Davenport Water Control District* (the Guideline). The limits of acceptable change defined in the Guideline reflect a commitment to trade-offs which should have been informed by consultation with the Committee and key stakeholders.

**The Draft Plan allocates too much water:** Members of the Committee (3 of 6 members) remain concerned that the ESY allocates too much water for consumptive use, despite the Department’s confidence in its modelling and adaptive management strategies.

**The Draft Plan fails to protect the environment:** Members of the Committee (3 of 6 members) remain concerned that the objectives for environmental protection have been weakened, the previous commitment to maintain the condition and extent of groundwater dependent ecosystems (GDEs) has been reduced to protection of 70% of GDEs.

**Morning tea break 11.05 am, restart 11:30 am**

* 1. Finalise Committee advice on the Water Allocation Plan

In addition to the content agreed on for joint Committee advice to the Minister, members provided the following input to the Department:

* Aboriginal cultural values do not need to be identified specifically in order to be protected. Potential changes were discussed to section 3.3 in the Plan and section 4.2 in the Implementation Actions. The Department advised that the Minister had been careful in the wording of section 3.3 and that this concern is captured at a high level in the advice to the Minister.
* The Committee discussed the possibility of setting the Plan for a shorter timeframe. It was noted that the collection of data reflecting the impacts of increased extraction is essential to adaptive management and informing improvements to the Plan. A maximum of 50% of the ESY can be used in the next five years based on licence conditions. It was consequently agreed that a 10-year plan was appropriate, but the five-year review would be a critical point for recalibration.
* The Committee discussed the absence of any implementation actions addressing risk associated with climate change. The Department noted that this risk is acknowledged in the risk table (Schedule G) and while implementation actions do not directly address climate change they do mitigate the risk.

**Action 6:** The Department to review section 3.3 of the Plan to strengthen wording relating to the protection of cultural values and improve alignment with the corresponding Implementation Actions.

**ADVICE TO THE MINISTER continued:**

**The Draft Plan fails to protect Aboriginal sacred sites and cultural values ;** Members of the Committee (3 of 6 members) remain concerned that the objectives in the Draft Plan do not explicitly ensure the protection of Aboriginal cultural values. Additionally, Section 3.3 in the Draft Plan does not appear to give the protection of cultural values the same level of importance as found in Section 4.2 of the *Implementation Actions*.

**Lack of trust in the science ;** Members of the Committee (2 of 6 members) remain concerned about the quality of the evidence that underpins the Draft Plan.

**Departure from good practice water management:** While not all members of the Committee agree that there has been a departure from good practice water management, the Committee (6 of 6 members) remain concerned that the Draft Plan does not adequately reflect widely shared and clearly expressed community values.

The Plan presented to you for gazettal reflects few substantive alterations to the Draft Plan put out for public consultation. The *Consultation Summary* captures clear disagreement between Government and members of the community. Where community voices are unable to influence the planning process it is unlikely that community members will believe engagement with Government during consultation processes has value. The Committee recognises that Government has considerable latitude for designing planning processes under the current legislative framework. However, this has not always been adequately communicated to the community.

We recommend that Government be much more transparent with the Territory community about the role of public consultation in each water planning process and the way community views will be incorporated into planning. This could be done by clearly outlining where consultation processes sit on the IAP2 public participation spectrum. Alignment with the *Remote Engagement and Coordination Strategy* will also help to ensure effective and culturally appropriate engagement.

Members of the Committee would prefer a plan that adheres to a more precautionary approach to the utilisation of water resources in the Western Davenport water control district. The prior licencing of entitlements, which amounts to a more than a tenfold increase on current use over the life of the Plan, meant that it could not be as conservative as the Committee would have recommended.

A corresponding change of practice, which has seen the addition of conditions to ‘significant licences’, has reduced the importance of water allocation plans to adaptive planning and the management of water resources. Those licences with conditions have correlated reporting requirements. The Committee advises that, where licences have monitoring and reporting requirements, monitoring data and reports should be put in the public domain. This would assist in addressing community concerns and building the social licence for regional development.

We acknowledge that many of our concerns may be addressed through the *Implementation Actions*. We advise that fully resourced and publicly transparent delivery of the *Implementation Actions* over the life of the Plan is critical to mitigating risk and achieving sustainable management of water resources in the Western Davenport water control district.

Recovering stakeholder trust in water management in the Western Davenport water control district requires government to openly demonstrate a commitment to increasing understanding of the region (through monitoring and investigation), identifying stakeholder values (through consultation), and responding in a timely fashion to ensure that stakeholders’ concerns about the potential impacts of extraction are not realised.

We also suggest that resources are identified to enable a comprehensive mapping of historical impacts to inform future water management decisions, including likely trade-offs. While the region is largely undeveloped there are existing impacts on environmental and cultural values that need to be understood to facilitate the assessment of cumulative impact. We propose this action be added to the *Implementation Actions* and establish a baseline for the promised annual state of the resource report.

The Committee thanks you for the opportunity to provide this advice on the Draft Plan. We encourage you to prioritise the *Implementation Actions* and be open to recalibration of the Plan during the 5-year review if additional information justifies a significant change process.

**Lunch break 12:46 pm, return 1:08 pm**

EDWRD provided an update on the drilling program in the region, which will result in a significant increase in monitoring data. Monitoring continues to be almost exclusively close to the highway (where consumption is focused) with limited visibility of the aquifer to the East or West. More drilling is anticipated for May/June 2024.

The Department and Central Land Council (CLC) are collaborating in a NESP research project. This project will explore opportunities for remunerated Aboriginal participation in monitoring (implementation action 4.2).

CLC has suggested a dedicated water management position in CLC and DEPWS to focus on monitoring and Aboriginal engagement activities, similar to the Joint Parks Management model.

EDWRD confirmed that all implementation actions are fully funded and timeframes are programmed in. At least once a year the Committee could met to check on the status of implementation actions at a time aligned with the State of the Resource report.

**Short break 2:27 pm, return 2:32 pm**

**2.4 Next steps**

The next Departmental priority is the review of the Ti Tree Water Allocation Plan and the Department is actively working to identify Aboriginal people in the region interested in participating in a Water Advisory Committee (WAC). The Minister is committed to improving Aboriginal engagement with corresponding changes to committee arrangements.

NA expressed concerns about the Aboriginal member selection process, as this is ultimately a CLC function, and requested that the names be shared with CLC.

EDWRD noted that, considering the interest of at least eight Aboriginal people in the review of Ti Tree, changes will be required to the Committee. This could be an opportunity for a fresh start, or some members may continue to provide continuity and support the new members. It was suggested that three years was a reasonable term for the current Committee which was formed in 2021.

The Department is in the process of drafting guidelines for improving future WAC processes, specifying:

* Engagement in water resource management through three mechanisms – Minister appointed WACs, direct stakeholder engagement, and a public comment process.
* Governance for WACs including the selection of the chairperson and members, the function of the WAC, a schedule of meetings, and a decision charter.

The Committee requested the opportunity to provide comment on the guidelines before they are finalised.

The Committee provided the following advice:

* It was suggested that Committee Terms of Reference should be reviewed annually.
* The Committee agreed that ‘in camera’ sessions were important to good process.
* A WAC needs to include key stakeholders and be representative of interests (Aboriginal, horticulture/agriculture, mining, environment, public water supply).
* It may be valuable to have a single Committee with a larger membership, including current Committee members, facilitating sub-Committees for the Ti Tree review and the Western Davenport implementation process.
* There would be great value in Aboriginal participants and current members sharing their knowledge and experience. Consideration needs to be given to maintaining knowledge, and the current membership adds value and expertise. Ultimately there is benefit for all in participating in a cross-stakeholder process.
* Most Committee members expressed interest in a continuing role. These members expressed deep reservations around the suggestion of needing a ‘clean slate’. Dissolving the current Committee would likely lead to a further breakdown in trust between members, stakeholders and government.
* The involvement of Watertrust has been very positive and useful, providing much needed independence.

EDWRD expressed a willingness to have a conversation about how to transition to a new WAC.

**ADVICE TO THE MINISTER continued:**

While the Committee supports your emphasis on increasing Aboriginal engagement in this planning process, ensuring that members of the current Committee continue in their advisory role throughout the implementation phase will increase transparency and demonstrate government’s commitment to water advisory committees participating through the planning, implementation and review cycle.

NA left the meeting 3:09 pm

Watertrust thanked everyone for their contribution.

**2.5. Engagement in region**

The Department provided an update on ongoing engagement in the region. Water Resources Division returned to Ali Curung at the request of the Local Authority and community members, providing information and hearing water concerns. The group discussed licensing, aquifers, and preferences for participation in water management. The Division agreed to provide ongoing engagement opportunities.

**Closing comments**

RM thanked everyone for their participation and contribution.

Meeting closed at 3.26 pm.

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| **Actions register** |
| **No.** | **Action** | **Action officer** | **Comments** |
| 1 | Conduct a final edit of the Consultation Summary and the three Plan documents to identify any errors and ensure consistency of language. | WRD |  |
| 2 | The Committee has two weeks to provide any other comments on the Consultation Summary and three Plan documents (preferably via tracked changes in MS Word) prior to their finalisation. Comments need to be provided by 21 April 2024. | Committee |  |
| 3 | The Department will edit the Consultation Summary based on the comments from the Committee outlined above and any additional comments provided before the two-week deadline. | WRD |  |
| 4 | Watertrust will prepare an initial draft of the advice to the Minister from outcomes agreed with Committee members. The draft will be circulated to the Committee for review, comment and approval. The Committee will aim to have the final draft to the Minister by 30 April 2024. | Watertrust |  |
| 5 | In addition to the verbal advice provided, the Department will circulate a PowerPoint presentation outlining the proposed Water Act amendments to the Committee. | WRD | Completed |
| 6 | The Department will review section 3.3 of the Plan to strengthen wording relating to the protection of cultural values and improve alignment with the corresponding Implementation Actions. | WRD | WRD to circulate update to Committee |