Padthaway WAP Stakeholder Advisory Group Minutes

Meeting No. 13, Thursday 05 August 2021, 2:00 – 4:00 pm

Old Kitchen at Padthaway Estate, Beeamma Parsons Road, Padthaway

Objectives

- Draft Padthaway WAP.
- Community engagement.

Attendees:

Group Attendees – Penny Schulz (Group Chair, Limestone Coast Landscape Board), Tim Hoare, Carolyn Brown, Phil Brown, Scott Longbottom.

Staff Attendees – Sue Botting (Team Leader, Water Policy and Planning, LCLB), Ryan Judd (Senior Project Officer, Water Policy and Planning, LCLB).

Apologies –Krysteen McElroy, David Williamson (Team Leader, Water Licencing, DEW), Michelle Irvine (SA Water).

Welcome and agenda

The Chair welcomed everyone, advised on COVIDSafe requirements and discussed the proposed agenda. Thanked advisory group members and staff for their attendance.

Started 2:00pm

Minutes

Previous minutes from meeting 12 confirmed as true and correct.

Action outcomes to note

- Action 2.6 – On-going.
- Action 3.6 – On-going.
- Action 3.7 – On-going.
- Action 4.5 – On-going.
- Action 5.6 – On-going.
- Action 12.1 – Complete.
- Action 12.2 – Complete.
- Action 12.3 – Complete.
- Action 12.4 – Complete.
- Action 12.5 – On-going.
- Action 12.6 – On-going.
- Action 12.7 – Complete.
- Action 12.8 – Complete.
- Action 12.9 – Complete.

Padthaway WAP draft

The Group reviewed and discussed the draft Plan, as prepared to date.

Key Points:

- The draft Plan is a working document that will continue to be reviewed by the Group to ensure it reflects the Group's understanding of key concepts and to allow for community feedback to be appropriately addressed.
- The draft Plan that was provided prior to the meeting included comments to provide explanation of some principles and to highlight areas for further work and discussion.
- Specific areas identified for further discussion, and/or decision by the Group, include:
  - Inclusion of an Aquifer Storage and Recovery (ASR) Consumptive Pool,
  - Principles to manage ASR allocations, if included in the Plan,
  - Example authorisations (Water Licence and Water Account),
  - Water entitlement classes' purposes of use,
  - SPR three-year rolling average / carry-over,
  - Hydraulic gradient RCL, monitoring and spatial application (Ranges to Flats and east to west across Flats).

Discussion:

- Section 6.1 Overview Para 10 "The Minister may grant new water licences with respect to the wells in the prescribed areas in accordance with this Plan and the Landscape SA Act."

  Q: How does this impact current users? Concern expressed that this is contradictory to an agreed position that no new water would be issued in the Padthaway PWA.

  SB: Under the legislation the Minister has the right to issue new licences and the water allocation plan cannot fetter the Minister's powers. A limitation to issuing additional water from the consumptive pools can be applied in the Plan by defining the maximum volume of the consumptive pools and having supporting principles around that. It is important that the Group reviews the relevant principles to confirm that they are consistent with the position that no further water is to be allocated in the Padthaway PWA, and the current limitation on water allocations is protected.

  SB: Additionally, but to be confirmed, where there is a permanent trade of a licence (e.g. a property and associated water licence are sold) the administrative process requires the vendor to "surrender" their licence and the purchaser to be issued with a new licence.

  ACTION: Check if the administrative process for permanent trades requires the Minister to issue a new licence.

  ACTION: Check if there is a need to include the text "The Minister may grant new water licences with respect to the wells in the prescribed areas in accordance with this Plan and the Landscape SA Act."

- Consumptive pools. Previously had advised there would be two consumptive pools – the Padthaway Flats and the Padthaway Ranges in the unconfined aquifer, but will need to include a consumptive pool for the confined aquifer. There are no licensed allocations from the confined aquifer but there is a small number of stock and domestic wells that need to be accounted for. As there is no licensed allocation the maximum value of entitlement shares in the Padthaway Confined Consumptive Pool will be 0 ML/yr.

- Aquifer Storage and Recovery (ASR) Consumptive Pool. Principles have been drafted to allow for an ASR consumptive pool. This may be included in the Plan if there is a need, or may be removed to simplify the Plan and brought in later if necessary.

  SAG: Some people have considered putting in small desalination plants so there is a potential need for the ASR consumptive pool.

  SAG discussion noted that there may be some current aquifer recharge activity occurring in the region.

  SB: Principles for managing the ASR consumptive pool and access need to be defined. Initial principles have been drafted for discussion with the Group.

  SAG DECISION: To include the Aquifer Storage and Recovery (ASR) Consumptive Pool for community consultation.

  ACTION: Principles to manage the ASR consumptive pool and related authorisations to be included on the agenda of the next SAG meeting.

- Example authorisations: Water Licence and Water Account. Water licences record similar information as past licences – licensee details, land titles, wells and conditions of use, as well as the consumptive pool and number of shares of the consumptive pool. The Account lists the annual volume of allocation for each component based on the value of the entitlement share, the carry-over and usage.

  SAG: The information listed on the Water Account example is confusing. It is dated as 1 July and reports carry-over but also lists usage volumes although the irrigation season has not commenced. This information needs to be tidied up.

  SAG: Recommend using side-by side examples of an old licence and new authorisations so people can relate the old to the new for better understanding.

  ACTION: Revise information on Water Account example and prepare side-by-side example of the old licence and new authorisations for community consultation.

- Principle 11. "No new wells for the purpose of taking and use of a water allocation issued under a water license may be constructed within the limited extraction zone shown in Fig XX, with the exception of replacement of existing wells. If replacing an existing well, the replacement well shall be constructed no closer to the boundary between the Padthaway Flats Consumptive Pool and Padthaway Range Consumptive Pool than the existing well."

  Q: Why aren't more wells allowed in the limited extraction zone?

  RJ: The principle is carried over from the previous plan and aims to protect the through-flow from over extraction.

  SAG: In the previous plan there was concern that people would move wells into the zone to try and capture the flow from the ranges and that would impact the resource and users on the Flats.

  SAG: Discussed whether the principle affected many licensees and what the potential risks without the limited extraction zone were.

  ACTION: Consult with DEW Licensing to identify number of licensees in the limited extraction zone and potential risks to not limiting extraction in the zone.

- Section 6.5 Table XX Water access entitlement classes and purposes of use.

  SAG: Noted there are also licences for industrial use.

ACTION: Update Water access entitlement classes and purposes of use table to include Industrial use for Class T entitlements.

- Principle 34 refers to forfeiting or proportionally reducing Class D entitlements where the associated Class T entitlements are permanently or temporarily traded.

  SAG: The principle doesn't allow for the return of Class D entitlements when a temporary trade of the associated Class T license has finished.

  ACTION: Include principles in the Plan to allow for the return of Class D entitlements following a temporary trade of the associated Class T entitlement, where the Class T entitlement will be used again for flood irrigation purposes.

- Principle 36 refers to forfeiting or proportionally reducing Class S entitlements where the associated Class T entitlements are permanently or temporarily traded.

  SAG: The principle doesn't allow for the return of Class S entitlements when a temporary trade of the associated Class T license has finished.

  ACTION: Include principles in the Plan to allow for the return of Class S entitlements following a temporary trade of the associated Class T entitlement, where the Class T entitlement will be used again for frost protection purposes.

- Principle 38 "Separate water licences will be issued in relation to each consumptive pool listed in principle **Error! Reference source not found.**(a)-1(d) based on the wells listed on the existing licence. Where an existing licence has wells that relate to multiple consumptive pools, a portion of the entitlement share will be issued to each consumptive pool based on historic use patterns."

  SAG: The reference to historical use is an arbitrary split and doesn't reflect how those licences are currently able to be used. Currently a licence that has titles and wells on adjoining allotments and are across the management areas' boundary may use the water from any of those wells anywhere on either allotment, and is not limited to one management zone or the other.

  ACTION: Confirm current administrative arrangements and operational application of licences listing titles and wells across both management areas.

  ACTION: If administratively possible, include principles to allow a water allocation to be used anywhere on adjoining allotments, subject to conditions, where they are held by the same owner and divided by a consumptive pool boundary.

- Adaptive management. Previous SAG discussions had advised that the groundwater level RCL should require 25% of observation wells to exceed the RCL condition, with at least a minimum of 10 wells. As 10 wells exceeds 25% of available observation wells, the exceedance condition will only refer to the minimum of 10 wells.
- For consistency the RCT conditions will also refer to a minimum number of wells equivalent to 50% of the available observation wells. This equates to 19 wells but will be rounded up to 20 wells.
- The SAG had previously discussed including in the RCL management response description the percentage restriction required to decrease allocations to the ALE. As that percentage will vary when entitlements, such as delivery supplement, are surrendered, it will not be included in the adaptive management table.
- Hydraulic gradient. Paired observation wells for monitoring the hydraulic gradient RCT and RCL, and the subsequent management response, have not been defined. Licensees need to have confidence in the management response. Self-regulation can be allowed for but should not be

open-ended as DEW needs to have confidence in the effectiveness of the management response.

RJ: Advice received from Cameron Wood that there is a very low risk of the hydraulic gradient from the Ranges to the Flats becoming neutral or negative, and that groundwater level restrictions would likely be triggered first, addressing the issue. Of more concern is maintaining the hydraulic gradient across the Flats given concentrations of extraction on lower gradients.

SAG: Noted that they weren't aware of any hydraulic gradient impacts across the Flats in 2009.

ACTION: Consult with Cameron Wood to review the Ranges to Flats hydraulic gradient risks and potential for groundwater level RCL management responses to effectively address the situation.

ACTION: Consult with Cameron Wood to determine the risk to the hydraulic gradient across the Flats.

- Specialised production requirements (SPR). As allocations are issued on an annual basis the administration of SPR allocations on a three-year rolling average creates complexities. An alternative of setting an annual SPR allocation but allowing for carry-over was discussed. The SAG noted licensee confusion with using a three-year rolling average, and if not sufficient SPR available licensees will use water from their irrigation allocation. Converting SPR to tradeable was discussed and, as per previous SAG discussions, remains unsupported.

  SAG DECISION: Community to be consulted on converting of SPR to a set entitlement, without three-year rolling averages or carry over.

- SAG discussion on content of draft Plan concluded with Section 6.10.

  SB: SAG to note that content in draft Plan for Hydrogeological Test and Water Affecting Activities may change.

  - Hydrogeological Test. The methodology is currently included in the Plan. To allow for an improved hydrogeological test to be implemented when available, the methodology could be gazetted with the Plan referring to the methodology, as gazetted.
  - Water affecting activities (e.g. wedgeholes) have previously been documented within water allocation plans for each prescribed area, with a control policy included in the NRM Plan for non-prescribed areas. This is to change with all water affecting activities for both prescribed and no-prescribed areas to be documented within a single control policy.

Community Consultation – key concepts

Ryan Judd and Sue Botting spoke briefly about the upcoming community consultation.

Key Points:

- Community consultation will only be on key concepts, not the draft of the Plan.
- Consultation will include a community meeting (all licensees invited) and a drop-in session for one-to-one meetings with LCLB staff. Feedback can also be provided by phone, email, letter or form available on the LCLB website.

Discussion:

- SAG requested presentations to be shown at next meeting for their review and input.

  ACTION: Include review of community consultation presentations on agenda at next meeting.

Other business

- Nil.

Next steps

- On-going review of draft WAP content.
- Community consultation on key concepts

Next meeting date

- Next meeting date: Thursday 26 August 2021 2:00 pm – 4:00 pm, dependent on availability of Krysteen.

Close of meeting

Meeting closed at 4:30 pm.
The Chair thanked the stakeholders and staff for attending.

Padthaway WAP Stakeholder Advisory Group
Action Table

Action	Padthaway WAP Stakeholder Advisory Group Actions	Status	Meeting 13 Update
2.6	Prepare and distribute to the Group an explanation / example of the application of the three year rolling average SPR carry-over.	On-going	Held open
3.6	Consider alternative wording to "Resource Condition Triggers". Suggested wordings: "Warnings" and "Actions" "Resource condition indicators"	On-going	Held open
3.7	Consult with DEW re feasibility of providing more tailored water quality and level data and trends directly to licensees.	On-going	Held open
4.5	Consult with relevant DEW teams to review annual reporting to better inform licensees of Padthaway salinity and groundwater levels and trends.	On-going	Held open As per Action 3.7
5.6	Further investigate options for managing commercial-in-confidence data.	On-going	Held open
12.5	Include explanations for: the use of 2009 groundwater levels as the reference point for RCLs in the adaptive management framework; what "exceeding" an RCL means, and; what the ALE is and how it relates to consumptive pools.	On-going	To be included in earlier section of Draft WAP
12.6	Reword adaptive management framework to clarify: the percentage level of restriction that will apply to licences, and; that DEW will provide a management recommendation to the Limestone Coast Landscape Board if the hydraulic gradient RCL condition is exceeded.	On-going	Use of percentage restriction, and hydraulic gradient management response further discussed in meeting.
13.1	Check if the administrative process for permanent trades requires the Minister to issue a new licence.		
13.2	Check if there is a need to include the text "The Minister may grant new water licences with respect to the wells in the prescribed areas in accordance with this Plan and the Landscape SA Act."		
13.3	Principles to manage the ASR consumptive pool and related authorisations to be included on the agenda of the next SAG meeting.		
13.4	Revise information on Water Account example and prepare side-by-side example of the old licence and new authorisations for community consultation.		
13.5	Consult with DEW Licensing to identify number of licensees in the limited extraction zone and potential risks to not limiting extraction in the zone.		
13.6	Update Water access entitlement classes and purposes of use table to include Industrial use for Class T entitlements.		
13.7	Include principles in the Plan to allow for the return of Class D entitlements following a temporary trade of the associated Class T entitlement, where the Class T entitlement will be used again for flood irrigation purposes.		

Action	Padthaway WAP Stakeholder Advisory Group Actions	Status	Meeting 13 Update
13.8	Include principles in the Plan to allow for the return of Class S entitlements following a temporary trade of the associated Class T entitlement, where the Class T entitlement will be used again for frost protection purposes.		
13.9	Confirm current administrative arrangements and operational application of licences listing titles and wells across both management areas.		
13.10	If administratively possible, include principles to allow a water allocation to be used anywhere on adjoining allotments, subject to conditions, where they are held by the same owner and divided by a consumptive pool boundary.		
13.11	Consult with Cameron Wood to review the Ranges to Flats hydraulic gradient risks and potential for groundwater level RCL management responses to effectively address the situation.		
13.12	Consult with Cameron Wood to determine the risk to the hydraulic gradient across the Flats.		
13.13	Include review of community consultation presentations on agenda at next meeting.		

Action Table – Closed Items

Action	Padthaway WAP Stakeholder Advisory Group Actions	Status
1.1	Amend Terms of Reference	Complete
1.2	Unbundling presentation for meeting 2	Complete
1.3	Forward both Daniela and Cameron's meeting 1 presentations to SAG members	Complete
2.1	Forward unbundling presentation to the Group	Complete
2.2	Confirm requested information regarding delivery supplements and the current sustainable limit and allocations	Complete
2.3	Available water extraction, rainfall and salinity data for the last ten years to be compiled and forwarded to the group	Complete
2.4	Forward presentation on the current Padthaway Water Allocation Plan to the Group.	Complete
2.5	Confirm requested information regarding transfers, carry-overs and divided allotments.	Complete
2.7	Terms of Reference to be amended, as discussed, and distributed to the Group.	Complete
3.1	Forward Groundwater Modelling and Resource Condition Limits (RCLs) presentation to the Group.	Complete
3.2	Further information on flow from the ranges to the flats to be provided.	Complete
3.3	Further information required on modelled salinity output confidence levels, with respect to landuse and spatial patterns, and potential areas to improve the model.	Complete
3.4	Contact PIRSA (Mel Fraser) to investigate current or potential soil salinity monitoring projects of relevance.	Complete
3.5	Scenarios to be run for average extraction, full allocation and reduced rainfall.	Complete
3.8	Confirm requested information for RCT and RCL discussion.	Complete
3.9	Ryan to present further information on the Citizen Science salinity monitoring project.	Complete
4.1	Forward updated salinity modelling and groundwater modelling scenarios presentation to the Group.	Complete
4.2	Forward heat mapping and other information to the Group.	Complete
4.3	Licencing to check that if DS has been returned that Total Allocation has also been reduced, and to confirm the current Total Allocation volume.	Complete
4.4	Investigate suggested alternatives for groundwater level resource condition triggers and limits.	Complete
4.6	Forward salinity monitoring project presentation to the group.	Complete
5.1	Decision Register to be updated with reference to salinity modelling limitations as a key consideration in the decision to not have an RCT or RCL for salinity.	Complete
5.2	Examples of how unbundling applies to Padthaway licences to be prepared for the next meeting.	Complete
5.3	Request advice from Cameron Wood on the use of saturated thickness as an RCL measure and how it varies across the Padthaway area.	Complete
5.4	Forward presentation of RCL and RCT graphs to the Group amended with only winter observation wells' readings included.	Complete

Action	Padthaway WAP Stakeholder Advisory Group Actions	Status
5.5	Prepare examples of the application of the proposed RCL/RCTs to past data and future modelled scenarios, the percentage of well exceedances for each management area, and projections for the recovery of the resource.	Complete
6.1	Forward Simone's unbundling presentation to the Group.	Complete
6.2	Forward Action 5.3 response to the Group.	Complete
6.3	Investigate possible changes to vineyard extent in the Padthaway since 2009.	Complete
6.4	Forward RCL Scenarios presentation to the Group.	Complete
7.1	Forward Meeting 7 unbundling presentation to the Group.	Complete
7.2	Forward legislative references for bundling and unbundling to the Group.	Complete
7.3	Forward risk assessment presentation to the Group.	Complete
7.4	Prepare a list of risk statements for consideration by the Group.	Complete
8.1	Prepare an accurate map of the Padthaway Prescribed Wells Area and current management areas for the Group.	Complete
8.2	Data on SPR licences and use to be prepared and presented at the next meeting for Group discussion.	Complete
8.3	Check that risk statements include risks to users.	Complete
8.4	Group to review consequence criteria and risk statements and provide feedback and / or additional risks for consideration.	Complete
9.1	Compile results of first risk assessment session and provide to the Group at the next meeting.	Complete
9.2	Forward supporting hydrogeological and ecological presentations to the Group.	Complete
9.3	Forward SPR presentation to the Group.	Complete
9.4	Present a draft timeline for the remainder of the Padthaway WAP review at the next meeting.	Complete
10.1	Forward map of drainage channels to the Group.	Complete
10.2	Compile results of second risk assessment session and provide to the Group at the next meeting.	Complete
10.3	Forward supporting hydrogeological, public water supply and stock and domestic wells presentation to the Group.	Complete
10.4	Review Wine Australia climate data with respect to that used for Padthaway groundwater model to confirm comparability.	Complete
10.5	Forward adaptive management scenario modelling presentation to the Group.	Complete
10.6	Include time on next meeting's agenda to further discuss recovery rules following RCL induced restrictions.	Complete
10.7	Ryan to re-forward Padthaway WAP background information to Bruce Wood (alternative email address).	Complete
10.8	Sue to forward Water-Connect link to technical reports to Bruce Wood.	Complete
10.9	Draft community engagement plan to be forwarded to the Group.	Complete
11.1	Check on availability of Padthaway modelling report for distribution to Group.	Complete
11.2	Forward completed risk assessment summary to the Group.	Complete

Action	Padthaway WAP Stakeholder Advisory Group Actions	Status
11.3	Write up complete adaptive management table including RCTs and RCL and management responses following triggering of RCTs and RCL for the different recovery scenarios.	Complete
11.4	Map groundwater observation wells, identifying those to be monitored to inform the adaptive management framework.	Complete
11.5	Update community engagement plan and circulate to the Group.	Complete
11.6	Penny to write a letter to Kerry DeGaris conveying Group's appreciation and thanks for chairing the SAG meetings in 2020.	Complete
11.7	Distribute Penny's email address to the Group.	Complete
12.1	Forward Padthaway WAP Update: Progress and Next Steps presentation to the Group.	Complete
12.2	Group to review the current "Guiding Principles and Objectives" (slide 3) out of session provide feedback for discussion.	Complete
12.3	DW to provide example of the new water licence system including an allocation authorisation with carry-over for discussion at next meeting.	Complete
12.4	Prepare a solution for addressing licences that straddle consumptive pools.	Complete
12.7	Forward map of *Groundwater Level Observation Wells 2021* to the Group.	Complete
12.8	Amend the adaptive management framework to refer to "25% of wells, or ten wells, whichever is the greater, exceed the RCL", or similar wording.	Complete
12.9	Sue to check availability of DEW Science team to provide additional support to address monitoring wells questions re representativeness of proposed RCL exceedance conditions.	Complete

Padthaway WAP Review 2019/20
Decision Register

Issue	Meeting	Decision
Terms of Reference	3	Group agreed to adopt the Terms of Reference
Guiding principles for WAP review		
Resource Condition Triggers and the concept of Resource Condition Limits	4	Group agreed to have no RCT or RCL for salinity
	4	Group agreed to having an RCL for maintaining throughflow of groundwater from the Ranges to the Flats
	4	Group agreed to having an RCT and an RCL for groundwater levels
Timeline for Resource Condition Triggers and Resource Condition Limits	5	Group agreed to the proposed timeline for responses to resource condition triggers and limits
Carry-over	6	Group *provisionally* agreed that carry-over should be suspended if RCT B is reached as an adaptive management step to prevent the RCL being reached.
Adaptive management	6	Group agreed that management responses activated through the triggering of RCTs and RCLs are to be applied to the entire Padthaway PWA.
Resource Condition Limit recovery management.	11	Group agreed that groundwater levels to be above RCL for two continuous years before restrictions are removed. At any time during the life of the Plan, RCL adaptive management responses will be implemented if groundwater levels drops below the RCL for two continuous years when restrictions have previously been applied.
Adaptive management monitoring program	12	The Group *provisionally* agreed that the adaptive management framework includes a minimum of ten observation wells to trigger the RCL to enable implementation of RCL adaptive management framework.
Aquifer Storage and Recovery Consumptive Pool	13	Group agreed to include the Aquifer Storage and Recovery (ASR) Consumptive Pool for community consultation.
Specialised Production Requirement	14	