

Padthaway WAP Stakeholder Advisory Group Minutes

Meeting No. 7, Thursday 16 July 2020, 2:00 – 4:00 pm
Treasury Wines Meeting Room, 6558 Riddoch Highway, Padthaway

Objectives

- Unbundling discussion continued.
- Risk assessment introduction.

Attendees:

Group Attendees – Kerry DeGaris (Group Chair, SE NRM Board), Tim Hoare, Carolyn Brown, John Summers.

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

Apologies – Scott Longbottom, Krysteen McElroy, Phil Brown.

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.

Minutes

Previous minutes from meeting 6 confirmed as true and correct.

Action outcomes to note

- Action 2.6 – On-going.
- Action 3.6 – On-going
Suggested wordings noted in Action Table
- Action 3.7 – On-going.
- Action 4.4 – On-going.
- Action 4.5 – On-going.
- Action 5.6 – On-going.
- Action 6.1 – Completed.
- Action 6.2 – Completed.
- Action 6.3 – On-going.
- Action 6.4 – Completed.

Unbundling

Ryan Judd reviewed the key issues of unbundling and the new regulations allowing for partial unbundling, for group discussion.

Key Points:

- Legislation requires Water Allocation Plans to be unbundled - the separation of the components of a current licence into: Water Allocation, Water Resource Works Approval (WRWA) and Site Use Approval (SUA), and the introduction of a Water Entitlement. Moving from one administrative instrument to four separate instruments.
- New regulations introduced on 1 July 2020 allow for partial unbundling. The Entitlement and Allocation must still be separated from each other but separate Water Resource Works Approvals and Site Use Approvals are not required – this information would be listed ('bundled') on the Entitlement or Allocation. Essentially this would allow for licences to be administered as they are now with Allocations able to be varied in response to resource condition, whilst Entitlements are maintained at their full value.
- Partial unbundling would enable a number of issues to be addressed:
 - the link between allocation and location of extraction can be maintained.
 - new trade rules can be more easily aligned with current rules and principles.
 - the trading process would not require a second step for a WRWA.
 - reduces risk of market speculation.
- 'Management Areas' are no longer used to identify areas within a Prescribed Wells Area. Entitlements will relate to a 'Consumptive Pool'. A PWA may have one or more geographically defined consumptive pools.
- Consumptive Pool options for Padthaway:
 - Two Consumptive Pools – the Padthaway Flats and the Padthaway Ranges.
New Regulations allow for trading between Consumptive Pools. Plan can specify no trading between Consumptive Pools.
Plan needs to specify that adaptive management responses apply to both Consumptive Pools.
 - OR
 - One Consumptive Pools and two "Management Zones" – the Padthaway Flats and the Padthaway Ranges.
No trading between Management Zones.
Management Zones require a WRWA.
More complicated process for adaptive management.

Discussion:

- Continued concern expressed regarding the possible risks with introducing an additional instrument (Water Entitlement). The introduction of unbundling and separation of Water Entitlement and Water Allocation is a legislative requirement – it must be done. However partial unbundling provides flexibility as to the extent of unbundling.
- SAG member raised that they would like to read the legislative requirement for unbundling – ACTION Sue Botting to send SAG the references to legislative requirements and the *Landscape SA Act 2019* and the *Landscape SA Water Management Regulations 2020*
- The group discussed the difference between a Management Area and a Consumptive Pool. Under the legislation the water resource in a prescribed area is now known as a

'Consumptive Pool', the term 'Management Area' is no longer used. A Consumptive Pool can be the same area as previously defined by a Management Area, with similar rules and principles to manage the resource.

- The option of two consumptive pools was generally supported as it reflects the current management geography of the Plan, and allows for management to maintain the through-flow from the ranges to the flats.
- Group questions:
 - Is it possible to draft up sections of the Plan as unbundled for the Group to see how partial unbundling would work?
SB: The structure and language of a Plan is not well suited to communicating concepts, hence previous plans have been accompanied by an explanatory guide. The drafting of a Plan is also a significant amount of work and it would take a lot of staff time to write up concepts that had not yet been agreed to and then rewrite as decisions were made.
 - What are the relevant sections of the legislation that refer to the requirement to unbundle?
SB: The legislation isn't written to say what a Plan should not do, it only specifies what a Plan must and may do. Unbundling is not referenced specifically as a concept, but is conveyed through the licensing, and associated rights, requirements.
 - Can the timeframes involved in the development of the Plan be confirmed?
RJ: The main issues to be resolved are unbundling and consumptive pools. Some additional work is also needed on a risk assessment, identifying cultural values, modelling recovery of the resource following implementation of adaptive management responses, and some other smaller issues. Overall we are progressing well but the timeframe depends on how quickly we work through the remaining items.
- The Group indicated provisional support for two consumptive pools and partial unbundling, noting that these issues should be further discussed with entire group.

ACTION: Forward Meeting 7 unbundling presentation to the Group.

ACTION: Forward the *Landscape SA Act 2019*, the *Landscape SA Water Management Regulations 2020* and the legislative references for bundling and unbundling to the Group.

Risk Assessment

Ryan Judd presented on a risk assessment process.

Key Points:

- A risk assessment approach aligns with proposed Landscape South Australia *Guidelines for Water Allocation Plans and Water Affecting Activities Control Policies* and is guided by a departmental framework and policy and guidelines.
- In addition to the Upper South East Water Allocation Planning Review and the review of principles by the SAG, a risk assessment helps to ensure all possible issues have been considered in the WAP review.
- Aim is to identify risks to the resource, community values and effective operation of the plan, assess them and identify treatment options.

- The method involves identifying potential risks, assessing the likelihood of them occurring and the potential consequences. The time-commitment required from the SAG depends on the preferred level of their involvement. It could range from being involved in every step in the entire process to providing input at particular times and reviewing outputs from key steps (RA primarily undertaken by LCLB staff), or somewhere in between.

Discussion:

- The risk assessment only applies to the WAP and the Padthaway Prescribed Wells Area – it does not include consideration of risks outside the PWA (eg Victoria), or outside the scope of the Plan (eg government policy).
- KDG: The Tatiara SAG undertook a full risk assessment over two workshops. This was a valuable process in helping people understand the issues.
- The Group indicated they would like to have a high level of involvement, though would like to understand more about the process and types of risks to be assessed.

ACTION: Forward risk assessment presentation to the Group.

ACTION: Prepare a list of risk statements for consideration by the Group.

Next steps

- Partial unbundling discussion, continued.
- Risk assessment process

Next meeting date

- Next meeting date: Thursday 6 August 2020 2:00 pm – 4:00 pm.

Close of meeting

Meeting closed at 3:30 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 7 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
4.4	Investigate suggested alternatives for groundwater level resource condition triggers and limits.	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
6.3	Investigate possible changes to vineyard extent in the Padthaway since 2009.	On-going	Held open
7.1	Forward Meeting 7 unbundling presentation to the Group.		
7.2	Forward legislative references for bundling and unbundling to the Group.		
7.3	Forward risk assessment presentation to the Group.		
7.4	Prepare a list of risk statements for consideration by the Group.		

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	Licensing to check that if DS has been returned that Total Allocation has also been reduced, and to confirm the current Total Allocation volume.	Complete
4.6	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

Action	Padthaway WAP Stakeholder Advisory Group Actions	Status
5.4	Forward presentation of RCL and RCT graphs to the Group amended with only winter observation wells' readings included.	Complete
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
6.4	Forward RCL Scenarios presentation to the Group.	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 <i>provisionally</i> 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.
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