Local governments and local government associations
Public submissions to Securing Western Australia’s water future: Position paper
Dear Sir / Madam

**RE: POLICY POSITION PAPER – SECURING WESTERN AUSTRALIA’S WATER FUTURE**

The City of Armadale would like to submit the following response to the policy position paper, *Securing Western Australia’s water Future*, for consideration by the Department of Water.

**Background**

The population of the City of Armadale is predicted to double over the next twenty years, creating a substantial demand for public open space within the new residential developments. It is likely that the area of irrigated turf within the City of Armadale will more than double over this period to meet the community’s expectation for the provision of recreational facilities, such as playing fields and parklands.

The ground water sub-areas within the City of Armadale are either fully allocated or have reached almost 80% of their allocation limit.

The City recognises the critical need for continuing improvement in water resource management in WA and generally supports the proposed key features of the management framework, albeit with a few concerns.

**Comments on discussion paper**

*2.4.4.2 Measurement and metering*

The City supports the staged roll out of measurement and metering across all groundwater systems and surface water systems.
2.4.5.2 Greater flexibility to react to climatic variations and increasing demand

The comment “introducing a simpler, more transparent and responsive way of providing water users with access to water in wetter periods and reducing take of water in dryer times” is obviously highly problematic for water users relying on water supply for irrigation purposes during the dryer months.

Our licensed abstraction entitlements are based on historical evaporation rates in conjunction with plant evapotranspiration rates (crop factors) to determine baseline irrigation volume requirements over the irrigation season which is largely an environmentally defined period not open to flexible water management. Reducing water take in dryer times would result in additional loss of visual amenity, ongoing plant stress and loss of surface performance. There is a significant added injury risk to end users recreating on underperforming and poorly developed public open spaces as a result of reduced irrigation application below current rates.

3.1 Improved licensing

(3.1.4 Variation of existing water entitlements)

Further to comments made in paragraph 2.4.5.2, the City acknowledges the need for the “introduction of mechanisms that will allow volumes of water taken under licence to be varied according to seasonal conditions” but due to the lack of information on the defined mechanisms and the relevant assessment criteria that will be utilised in order to determine the extent of any decreases/increases and to whom they will be applied we do have some hesitant concern at the possible implications on our business operations.

The City’s core water use activity is horticultural in nature, for the irrigation of public open space within a defined portion of the year (“the irrigation season”). The current management of the City’s licensed abstraction of groundwater, which is already budgeted by the City over the “irrigation season”, provides the greatest level of operational confidence to meet the recreational needs and expectations of our communities.

The proposal, in particularly to decrease abstraction entitlements on an “ad-hoc” seasonal basis may severely impact on our ability to provide and maintain quality public open space to the residents of the City of Armadale. This is already considering the already low abstraction rates applied for local government POS irrigation compared to other horticultural sectors.

3.1.1 Simplified licensing

The City supports a risk based approach to determining the level of licensing assessments particularly given the City’s frequency of application for amendments to licences, licences to construct bores and transfers of licences from developers to the City. Any opportunity to make the simpler licensing process more efficient is supported.

3.3.3 Local water advisory groups

The City supports the retention of local water resource management committees and importantly the ability to establish voluntary local advisory groups that would work with the Department of Water to inform and advise on water management and allocation issues within a specific locality of community.

The City of Armadale recognises the highest social value use of the water should guide water management decisions which can be positively affected by community advisory group engagement.
3.3.5 Allocation mechanism for the release of unallocated water

The City of Armadale would prefer the implementation of an allocation mechanism that recognises the highest social value use of the water and is guided by community interests.

It is still the City’s view as previously noted in the FIFS Policy review, that a ‘Merit Selection’ system would provide the most equitable process to achieve this outcome, rather than the suggested use of market forces as an alternative. The system should also have the flexibility to allow for ministerial decision making to effect outcomes in the public interest.

Our concern is that any market based approach favours the highest economic value use of the water, rather than the highest social value use of the water. The City of Armadale would have a considerable disadvantage in a competitive bidding situation against commercial interests, potentially limiting the future development of irrigated parks and playing fields.

Irrigated public open space has an important role to enhance the ‘quality of life’ within new residential developments. There is overwhelming evidence from international research that green open spaces within residential areas have positive effects on the health and well-being of communities.

3.3.6 Recovering over-allocated resources

The City understands the requirement to recover over-allocated resources when it exceeds the statutory allocation limit, should this eventuate due to a drying climate with reduced rainfall. We would agree to such a proposal if the specific methodology developed to recover the resource was predominantly in favour of minimising the recovering from the areas of use with the highest social value.

We thank you for the opportunity to comment on the policy document and hope you consider the comments made in good faith.

Yours faithfully

P LANTERNIER
MANAGER PARKS
Thanks you for the opportunity to provide comments on the position paper. The proposed changes are supported as it will consolidate, clarify and modernise the existing legislation with regard to management of water resources (currently water resource management legislation is across six Acts), an improved planning framework, and greater confidence and security regarding access to water.

Yours sincerely

Johan Louw
Director

T 08 9780 5281 | F 08 9757 2512 www.amrshire.wa.gov.au

"A Naturally Beautiful Experience"
CITY OF BELMONT
215 Wright Street (LMB 379) Cloverdale
Western Australia 6105

All communications to be addressed to:
The Chief Executive Officer
LMB 379 Cloverdale
Western Australia 6985

17 December 2013

Policy submissions- Water Reform
Policy and Innovation Directorate
Department of Water
PO Box K822
PERTH WA 6842

Dear Sir or Madam

CITY OF BELMONT RESPONSE TO THE DEPARTMENT OF WATER'S POSITION PAPER ON SECURING WESTERN AUSTRALIA’S WATER FUTURE- REFORMING WATER RESOURCES MANAGEMENT, SEPTEMBER 2013

The City of Belmont extends a thank you to the Department of Water for making available the opportunity to provide comment and feedback on the Department's Position Paper on Reforming Water Resource Management in Western Australia (September 2013).

The City recognises with the utmost importance the value of water resources. Water is a key resource vital to healthy and successful communities and its provision to current and future generations should be secured. Endeavouring to implement better water management practices sooner rather than later to allow communities to respond and adapt adequately to the pressures of climate change is a cause which is shared commonly with the Department and local government.

As such, please find enclosed the City's response to the Department's Position Paper. The City of Belmont looks forward to being provided with the opportunity to review the draft legislation and participating in local advisory groups. If you would like any further information I invite you to contact the City's Environmental Officer- Scott Glassborow on 9477 7411.

Yours sincerely

WARREN STEPHENS
MANAGER PARKS AND ENVIRONMENT

cc: Western Australia Local Government Association - Environmental Policy
COMMENT AND FEEDBACK

Securing Western Australia’s water future
Department of Water Position paper- Reforming water resource management (September 2013)
December 2013
Review of: Department of Water Position paper- Reforming water resource management (September 2013)

REVIEW SUMMARY

The City of Belmont’s review of the Department of Water’s Position Paper on Water Reform in Western Australia has resulted in the following comments:

- Local government and providers of public open space should be recognised through the water entitlement and allocation process as private water users providing a public/ community benefit
- Widely available, accessible and high quality public open space supports the health and wellbeing of communities and also provides employment opportunities to communities, upholding their livelihoods
- Proposition of variable allocations instils uncertainty and insecurity rather than certainty and confidence in water allocations
- Reduced water allocations will directly and significantly impact on public open space, resulting in reduced public open space quality and/or availability and subsequently reduced community wellbeing
- Irrigated green infrastructure (turf and trees) within public open space is not capable of responding quickly and favourably to a sudden change in irrigation regimes or water volume delivery
- To adequately adapt to variable allocations, communities, local governments and public open space providers will require time and capital resources to implement alternative treatments and management options to green open space. Future non-irrigated green public open spaces will be required to provide the equivalent levels of service in comparison to their previous irrigated form in order to uphold the wellbeing of the community
- The reduction of green open space in quality or availability would not be considered palatable to the community or consistent to the Department's stated commitment to community wellbeing and livelihoods
- Water for public open space, for the benefit of community wellbeing, should be addressed in Statutory Water Plans
- Statutory Water Plans should set aside water for public open space as shares within a consumptive pool through a similar process that is used to set aside water for the environment
- Allocations of water for public open space should not be amendable within the term of the licence
- Benchmarks to drive efficiencies should adequately and realistically reflect the function of the water use, incorporate other measures of efficiency (i.e. irrigation regimes, system efficiency) and not be on a kilolitre per hectare basis
- The message to the community from all levels of government needs to be one which is united, comprehensible and sets a clear direction in water resource management, not one which is changing and therefore uncertain
- The Department of Water and local government need to maintain an ongoing collaborative approach whereby local government is recognised as an imperative connection to the community, an educator and promoter of water efficiencies and a vital stakeholder within local advisory groups
THE SIGNIFICANCE OF PUBLIC OPEN SPACE

From the perspective of an economist, water is directly correlated to fiscal performance and economic prosperity. Access to water in sufficient volumes, of adequate quality and availability means you are likely to be prosperous in your original investment. From the perspective of the conservationist, the more water you have for the environment, the conservation of its qualities and lineages means you are likely securing environmental values for current and future communities. The management of public open space is no different however incorporates attributes from both perspectives.

Local government, as a public open space and service provider, needs to ensure that water access and use for its purposes is financially viable as it utilizes municipal funds. If the supply and use of water resources is inefficient and wasteful, it not only wastes an invaluable environmental commodity, it also wastes money. The unnecessary over use and operation of pumps consuming electricity and ‘wear-and-tear’ on infrastructure is an unnecessary expenditure of municipal funds. Notwithstanding the moral obligation and community expectations on the provision of public open spaces and the conservation of our environment, local government also has a legal obligation to meet the needs of its community, present and future. Under the *Local Government Act 1995* local governments are to meet the needs of current and future generations through the integration of environmental protection, social advancement and economic prosperity. Therefore as a water resource user and provider of public open space, it is legally and morally wrong to waste both money and water.

From a local government perspective, the use of water resources is for the benefit of communities, and is done whilst balancing their needs with the conservation of the environment for current and future generations. Water use for the irrigation of green spaces is not wasteful nor is it for any other benefit other than that of the community. From any perspective however, the availability of high quality public open space provides direct benefit to the health and wellbeing of the community. Accessibility to high quality public open space and green infrastructure such as irrigated streetscapes, passive reserves and active recreational areas, assist in reducing the stress and fatigue associated with living within a highly urbanized environment, reducing the total life burden of mental illnesses on individuals and communities. Areas for physical activity reduces the burden of physical illnesses such as obesity, diabetes and coronary diseases and increases an individual’s psychological wellbeing by being able to connect with their environment and their community through organised or passive recreational activities. Permeable vegetated spaces result in reduced drainage requirements by absorbing water and reduce the urban heat island effect, reducing the dependency and demand on infrastructure such as power generation and drainage. Green public open space therefore increases the quality of life, community and individual health and wellbeing and reduces the financial burden on individuals, families and communities. Healthy communities and individuals reduce the stress on state health care, are less likely to require time away from work due to illnesses and have an extended life expectancy, all resulting in economic and community prosperity.

In order to provide and maintain high quality and accessible green spaces, local government and public open space providers are significant employers of large and diverse workforces who directly and indirectly maintain green spaces and in doing so are able to uphold their livelihoods through stable employment. Without water, or with significantly reduced water, there may be a significant reduction in green spaces and regrettably a reduced requirement for those workforces who maintain them.

Without sufficient water to continue providing high quality and widely accessible public open space, both the health of our communities and the livelihoods of workforces are at risk. From a local government perspective, public open space is a community asset which is required to be maintained and conserved for current and future generations.
COMMENT AND FEEDBACK

The City of Belmont (the City) recognises, with the utmost importance, the value of water resources, its provision for current and future generations and the need to implement better water management practices sooner rather than later to allow communities to respond and adapt adequately to the pressures of climate change. This is reflected by the Belmont Council in 2012 endorsing a Groundwater Use Strategy with actions dedicated to enabling and enhancing the ongoing efficient and responsible use of groundwater resources.

As per the Rights in Water and Irrigation Act 1914 (Western Australia), the City accesses and utilises groundwater as per a Licence to Take Water (Groundwater) as a “private” water user. However, groundwater abstracted for municipal purposes is used to irrigate and maintain green public open space and green infrastructure to a standard which enhances and upholds the community's wellbeing. Groundwater use by the City is therefore for the benefit of the community.

Local government is also considered a primary provider of accessible high quality public open space. Green spaces provide the community with varying services and functions and are a direct benefit to a community's health and wellbeing. A correlation can be drawn between the health of a community and the availability and quality of green public open space.

Without having the opportunity to review the proposed legislation, the City can only comment on what has been proposed through the Department of Water's Position Paper. It is agreed that the pressures of climate change, increased climate variability and reduced rainfall leading to reduced resource security requires reformed legislation which brings Western Australia's water resource management into the twenty-first century.

It is agreed that planning for a dry future will require an increase in water management and a reform in legislation should address this to ensure that water resource entitlements are fair, equitable and endeavour to uphold the wellbeing and livelihoods of Western Australian communities.

However, it is the City’s opinion that the position paper proposes a water reform which provides uncertainty rather than certainty in regards to long term security of access and allocations. The introduction of variable water allocations, either seasonally or periodically altered, would not provide the City, local government, public open space providers or other irrigation managers with confidence nor the ability to plan water use over a year. Whilst legislation and the administration of water resources may be flexible and adaptable to short term variability, irrigated green public open space is not, not without significant consequences to the community. Irrigated vegetation, whether it is turfgrass or vegetables, is dependent on a particular water application and therefore cannot adequately adapt to a sudden change in water allocations without the risk of reduced quality or availability.

Water volumes delivered to public open space through irrigation is in effect to meet plant water requirements during periods where water is not delivered naturally (i.e. rainfall). Therefore, in essence, water volumes delivered over a period of time will already be dependent on climate variability. However, during the peak period of summer where evaporation is at its highest, water delivery to highly utilised public open space is increased to maximum capacity in regards to what is currently allocated. A further reduction in volume will therefore reduce the quality and availability of public open space, consequently and negatively impacting on community wellbeing. Furthermore, the City, amongst other public open space providers, will not utilise water resources during "wet periods" as irrigation is not required.

The City understands that in a drying climate groundwater resources are likely to decline and if there is "no water", then there is "no water". To adequately adapt to reduced water allocations, the City would be required to significantly increase its capital investment into the development of non-irrigated or partially irrigated public open spaces. It will still however be a design requirement of these spaces to provide the equivalent or similar level of community service as the former irrigated green open space in order to maintain the community's wellbeing. Notwithstanding this, the reduction in quality or availability of green spaces would not be considered palatable to the community or consistent to the Department's stated commitment to community wellbeing and livelihoods.
A drying climate and reduced water resource security means communities are being asked to accept, that in the future, some public open spaces will no longer be irrigated to their previous extent if at all. However, to maintain the health and wellbeing of communities, some forms of public open space will be considered sacrosanct and will require water delivery regardless of reduced allocations. These sites will include sporting and active recreational reserves. In order to satisfactorily achieve this however, local government will require the identification of sites which are considered "sacrificial" or otherwise sites where water delivery is reduced or ceased to make available sufficient volumes to irrigate those which are "sacrosanct". From a local government perspective, the process of identifying sites which are either reduced or turned off is a process which will take time, considerable financial resources as well as significant community involvement.

It is agreed that the management and allocation of water resources needs to adapt to climate change pressure. However, the review of the Position Paper does not provide information on how the Department intends to provide water users with security in their allocations. A fixed, unchangeable allocation will instil confidence in the fact that their allocation, for their purposes (i.e. irrigation, crop production) and for at least the tenure of the licence, will remain secure as far as practicably possible. This means that their product, be it vegetables or public open space for the community, will remain secure for that duration of time. A variable license does not provide security or certainty in terms of being able to function into the future. It would not be unreasonable to propose a review of the allocated volume at the lapse of the licence, based on water availability within the consumptive pool.

It is agreed that the development of industry benchmarks is an effective instrument in guiding and promoting efficiencies. Through the current water licensing platform, water is allocated to public open space irrigators at a capped volume which the Department has previously and somewhat unofficially provided as a benchmark for turf-grass irrigation (7,500 kilolitres per hectare per annum). It is the City's opinion however that this benchmark may be a sufficient driver of efficiencies for some forms of irrigated open space, but not all.

It is considered widely in the turf industry that the 7,500 kilolitre per hectare "benchmark" and allocation is not sufficient for those open spaces which are highly utilised by the community (i.e. sporting reserves, active open space) and therefore in peak use periods, where natural water delivery is almost non-existent, the adherence to this benchmark is near impossible. The allocation is not sufficient and therefore, in the absence of appropriately questioning other efficiency measures, water consumption in comparison to the benchmark will indicate "inefficient" or "wasteful" use of water resources, when rather the contrary is true. It is the City's opinion, one which is likely to be common amongst public open space providers, that benchmarks should adequately and realistically reflect the function of the water use (for example irrigation of passive open space versus the irrigation of active open space) and incorporate other measures of efficiency (i.e. system efficiency, system management).

In regards to supporting and upholding the wellbeing of the community, the City believes that there is a need for this to be adequately addressed through proposed statutory water plans. Statutory water plans should adequately set aside water for the community in the form of shares within the consumptive pool in a similar process to that which secures water for the environment. Therein, the statutory water plans set aside water for use in purposes which benefit the community (i.e. public open space irrigation) and that the entitlement to access these shares should only be granted to identities who are providing a community service (i.e. local government, public open space providers). Rules governing the access and use of these shares are expected to be clearly outlined in the statutory water plan however would also provide the community and water users with security and confident that the entitlement and allocation is less at risk of being affected. In achieving this, the risk of consequently reducing public amenity and negatively impacting on community wellbeing and livelihoods is also reduced.

Water reform needs to incorporate and acknowledge the current lifestyle and values held by Western Australian communities. The message to the community from all levels of government needs to be one which is united, comprehensible and sets a clear direction in water resource management, not one which is changing and therefore uncertain. It is agreed that a drying climate poses very real challenges in regards to water security however the growth of the state and the metropolitan region poses further challenges to our communities and water resources.
Population growth is resulting in significant urban infill reducing the availability of private green spaces where people can connect to nature and maintain their health and wellbeing. This significantly increases the value and importance of public green spaces in an urban environment. In some metropolitan areas the only remaining green open space adequate enough to enhance or uphold a community’s wellbeing are those provided and maintained by local governments. These include pocket and neighbourhood parks for passive recreation and larger active sporting reserves, each beneficial to the community’s wellbeing and act as urban refuges for flora and fauna.

CONCLUDING COMMENTS

The City is pleased to see that the proposed reform will incorporate advisory groups to advise the Department on local water issues during the development of statutory water plans. As local government is the primary provider of green spaces to communities, it has an important position as a community liaison, educator and promoter of water efficiency. Needless to say local government will play an imperative part within local advisory groups. However, in order for a smooth transition and to allow communities to adapt adequately to changes, it is imperative that the Department involve local governments throughout the entire reform process. This will allow local governments to commence engaging their communities and planning ahead for partially or non-irrigated public open space projects.

The City is confident that, with the above feedback and comments incorporated into the reformed legislation and reform process, and through an ongoing collaboration with the Department, the wellbeing of communities, their livelihoods and their way of life can be maintained to a level which is satisfactory and acceptable for current and future generations.
EASTERN METROPOLITAN REGIONAL COUNCIL SUBMISSION
WATER RESOURCE REFORM – SECURING WA’S WATER FUTURE

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| Postal address | PO Box 234
Belmont WA 6984 |
| Email address | miroslav.vujaklija@emrc.org.au |
| Telephone number | (08) 9424 2218 |
| Date: | 18 December 2013 |

BACKGROUND

The Eastern Metropolitan Regional Council (EMRC) is a progressive and innovative regional local government working on behalf of six member Councils - Town of Bassendean, City of Bayswater, City of Belmont, Shire of Kalamunda, Shire of Mundaring and City of Swan.

Perth’s Eastern Region, represented by the six member Councils that comprise the EMRC, stretches from the edge of the Perth CBD, along the Swan River through urban residential, commercial and industrial areas, to the scenic Swan Valley and into the forests and prime agricultural land in the Darling Ranges. Covering approximately one third of the Perth metropolitan area, the region is home to a number of diverse cultural backgrounds, and with population growth forecast to reach around 360,000 by 2021; it is also one of the fastest growing regions in Western Australia.

EMRC is committed to addressing water conservation and water quality improvement issues and supporting the member Councils with their water management efforts. EMRC has assisted member Councils with progression through the Water Campaign™ program, undertaking scheme and groundwater use inventories, developing local Water Action Plans, setting water conservation goals and targets, selecting water quality priority areas, and assisting with action implementation. EMRC is also a partner of the Cooperative Research Centre (CRC) for Water Sensitive Cities.

EMRC has considered the Securing Western Australia’s Water Future position paper and makes the following comments to be considered:
Submission responses

1. In your opinion, what aspects of water reform are important for the future of water management in Western Australia?

- For the future of water management in WA it is important to create a simplified water management system that is backed up by up-to-date legislation allowing for more efficient processes relating to water access entitlements, water for the environment, allocation issues and general water sustainability and water security improvements.

- Improving the clarity of rules and creating a greater transparency of the related processes.

- Allowing for a water trading mechanism that is fair and accessible to everyone, including the environment and the ecosystems that depend on water for life.

- The need to consider greater enforcement of regulations to ensure compliance.

2. What are your thoughts on the overarching elements in the framework, which consist of the modernised licensing system, water access entitlements, and the consolidation and modernisation of supporting legislation and policies?

- Modernising the licensing system is long overdue with a need for clarification of the rules, simplification, and creating a more efficient process for the Government and the licence holders and/or applicants.

  While simplifying the application and renewal process it is important not to oversimplify and allow for opportunities for the system to be abused. One way to safeguard the system could be to ensure the monitoring process is well developed and, in the case of abuse or breach of licence conditions, there is power to revoke the licence and or apply penalties. This would improve the application and renewal process and would deter users from abusing the system.

  The risk based approach to licence applications is a good idea provided the risk matrix is designed appropriately and enough information is gathered and verified when assigning the level of risk. For example, the proponent has to have a clear understanding and provide evidence of how much water will be used/required annually, as well as obtaining information on the health and capacity of the potential water source including all other existing users and the environment.

- Water allocation process being flexible or having variable water allocations is not necessarily seen as improving the security of water, rather it is seen as creating uncertainty in long term security of water access and allocations.

- Allowing for increased use of water in wetter periods will not be beneficial to the majority of water users as in most cases there is no need for irrigation and sprinkler bans are in place during winter. This might encourage particular businesses to use more water when there is more water available, however this might have a negative or undesirable outcome of encouraging inefficiency.

  Any ‘extra’ water should be allowed to infiltrate and assist with recharge of the depleting
aquifers. This water would not go to 'waste', it would ensure the natural systems can cope in future with stresses such as climate change and potential increase in water abstraction due to population increases or similar. Everyone should be encouraged to improve efficiency and reduce their water demand regardless of periodical increases in water availability. This would be a way of Securing WA’s Water Future.

- Consolidation and modernisation of supporting legislation and policies is necessary in order to reduce confusion, clarify requirements and legal aspects relating to water being used as a resource or a commodity. It would have been good to review the proposed legislation to see how some proposed water reforms in the Department of Water’s Position Paper would be supported or enabled through the legislative process.

3. What is your opinion of the proposed policies and planning tools?

- Introduction of statutory allocation plans is a good idea, however, there is a need for a staged approach or a transitional period to allow local government to adapt and develop structures in terms of governance and capacity regarding water allocation planning in order to deliver the ‘expected’ level of water service to its rate payers. Local governments have a high responsibility when it comes to servicing the public in terms of provision of public open spaces and sporting fields while at the same time being water efficient, innovative and leading by example in the field of sustainability including water efficiency.

4. Are there any other matters related to the position paper that you would like to comment on?

- Broader/active consultation should occur including all relevant stakeholders from this point on, relating to specific components outlined in the position paper where sufficient information has not been provided. Such examples are numerous and for that reason have not been included in this section.

- Community perception/expectation should be addressed in greater detail at all levels. This could tie in with the above comment regarding consultation, where community is included in the process and at the same time educated on the impacts of climate change and the status of our water resources. This process would achieve increased acceptance and would allow for inevitable changes that water resource providers/managers including local government are facing in the future.

- The impacts of fracking and illegal dam construction are areas that also need to be considered when developing future policy and legislation.

- Given the Department of Water is an essential participant in the CRC for Water Sensitive Cities it is assumed that research outcomes from the CRC will be factored into future policy and legislation.

Would you like us to keep your contact details confidential?

- No
Thank you for the opportunity to provide comments on the Securing Western Australia’s water future position paper.

For further information or clarification, please do not hesitate to contact Miroslav Vujaklija on (08) 9424 2218 or email at miroslav.vujaklija@emrc.org.au.
POLICY SUBMISSION TO THE DEPARTMENT OF WATER’S POSITION PAPER - REFORMING WATER RESOURCE MANAGEMENT- SEPTEMBER 2013

Reference is made to the State’s advertised Position Paper – Reforming Water Resource Management and the opportunity for stakeholders to provide a submission on this draft.

The City of Greater Geraldton (the City) supports the need for water reform in Western Australia. The City would like to raise the following queries and key issues which it respectfully requests to be considered as part of the review of the position paper:

Community Engagement
The position paper commits to local community engagement. The City strongly supports deliberative democracy to engage government, industry and the community in planning and making decisions for Greater Geraldton’s future 2029 and Beyond. The Department of Water (DOW) propose to introduce local water advisory groups to engage the community to ‘inform and advise on water management and allocation issues within a specific locality’. (pg. 21).

From the position paper, the local water advisory groups will play a significant consultation role for local water issues. If local water advisory groups are to be based at a Statutory Water Allocation Plan (SWAP) level the formation of groups could be limited by technical knowledge and impartiality concerns and affect the “trade of water across entitlements” proposed as recent concerns from community over use of water in mining processes has been an issue.

Q1. Please clarify the Terms of Reference (TOR) for the local water advisory groups; in particular the membership structure and authority for making decisions for the future of our community’s precious water resources.
Q2 Will the membership of the group be representative of all stakeholders, be technically rigorous and/or be provided support for technical issues.

Q3. Will local advisory groups have decision making powers over what the water is used for or only how much is used/allocated?

Q4. Will the State's framework acknowledge and make provision for Indigenous / cultural heritage values, interests for water and stipulate they be involved in local advisory groups for allocation of water.

New water resource management framework
Under the new water resource management framework, will the City be licensed under the new improved licensing arrangements or be eligible for water access entitlements?

The Improved Legislative Framework states that water users will benefit from having legislation and supporting practices that clearly enable the adoption of tradeable water access entitlements, where appropriate, which can be bought, sold and leased, amongst other things (pg. 6).

Q5. Please clearly state what is intended 'amongst other things'.

Improved Planning Framework
The City supports the introduction of statutory water allocation limits and statutory water allocation plans. It is foreseen that the introduction of statutory plans will incur the DOW and Local Government Authorities (LGA's) additional resources (or equipment/metering) for compliance.

Q6. Will LGA’s be offered assistance (technical support and/or resourcing for smart water meters) in the transition from a non-statutory to statutory water resource management framework?

In section 2.4.4.2 (pg. 7) the Department of Water has

'set out a staged proposal to roll out meters in groundwater systems.....except where there is no benefit to water management in doing so.'

Q7. Are the groundwater systems in Greater Geraldton considered a priority for meter roll out?

In the Statutory Allocation Plans, the City assumes that water quality targets will be set. The City has investigated the option of Managed Aquifer Recharge (MAR) for the Durlacher catchment in central Geraldton. One of the aims of the MAR project is to improve groundwater quality of the superficial aquifer with harvested stormwater.

Q8. The City anticipates that the DOW will set variable allocation limits in the statutory allocation plans to reflect the 'net gain' of water (and improved water quality) in the MAR treated aquifer. Is this the States position?
Water Efficiency Planning Within the Framework

The improved framework implies water efficiency will be improved, encouraged and assisted through flexibility of options when making decisions about the best and most productive use of water.

‘encouraging efficiency, increasing investment in investigation, and desalination – all of which is greatly assisted by the community’s response to using water more wisely’ (pg. 5)

‘improves water efficiency for business as there is more knowledge of how much, and when, water is being used’ (pg. 15)

Q9. Will these options for efficiency include requirements for water efficiency planning as part of the allocation planning process?

Q10. Will that decision be purely up to end users to be efficient on an economic basis or delegated to local advisory groups on a case by case basis?

Recovery of over-allocated water, risk management and compensation

Secure water supply for the future

The position paper commits to prioritising water allocation licences to ensure reliability and security for future water supply. Reliability and water security is paramount for Greater Geraldton given the challenges of a drying climate; population growth and an expanding economy; and new and emerging management challenges for water in the Mid West.

‘A key aspect of Western Australia’s water reform process was to separate out legislation dealing with the delivery of water services to consumers by water service providers (Water Services Legislation Amendment and Repeal Bill 2011)’.

The CGG is concerned that the new market driven framework for water reform may result in increased water prices for residents and asks

Q11. Is the Water Corporation subject to the State’s new water reform?

Q12. What safeguards are in place to protect communities from the climbing costs of water services?

Secure Water for the Environment

The position paper states that reforms ‘will underpin a better way of managing water to support water-dependant systems’ (pg. 8). The City is aware that there are knowledge gaps in the Mid West region of the dynamics and limits for water-dependant systems. The environment functions to provide ecosystem services for healthy communities and its protection is a priority within the Geraldton community’s 2029 and Beyond Community Charter.

Q13. How will the Department of Water make sound decisions (supported by good science) to protect the environment for future generations?

Improved licensing

The new improved statutory framework aims to bring about simplified licencing (Section 3.1.1, pg. 11). The City raises concern that ‘quick’ allocation decisions of the community’s precious water may be made in the absence of rigorous investigative science.

Q14. What risk based assessment measures will be employed to make sustainable and fair allocation decisions?
015. Does the State intend to adopt the NWI risk assignment framework?

016. Is this NWI framework robust to safeguard the community's precious water resources for the interest of water reliability, water security and a healthy environment?

Water access entitlement framework
The implementation in 2001 of amendments to the RIWI Act enabled water to be traded separately to land, hence water access entitlements may be owned for perpetuity by individuals / organisations that have no connection to a geographical area. The position paper states that when a resource is over-allocated water access entitlements could be purchased on the free market.

The City is concerned that:

- As the demand for water increases, the water access entitlement holder (particularly for large allocations) will on sell perpetuity to individuals/organisations with the greatest capacity to pay and
- In times of drought or hard times, primary industry within an over-allocated water resource area may sell their water access entitlement and inadvertently price themselves (and potentially the industry) out of the future market.

017. Is this perpetuity entitlement equitable?

018. What control measures will be put in place to reduce these possible scenarios?

True cost of water
The position paper indicates that the State will continue to allocate water on a First In First Serve basis at no charge; the 'free' water allocations then can be traded on the water market benefiting the licence holder not the State.

The State's water resources are a public asset and hence the City raises its concerns.

019. Are the principles of fairness considered in the new 'market driven' water resource management framework?

020. What measures will be taken or tools provided to local advisory groups to determine the true cost of water within Statutory Water Allocation Plans (SWAP) for ecosystem services economic value?

The City appreciates the opportunity to provide a submission to the DOW for consideration in the State's water reform. If you have any queries relating to this submission, or to facilitate a meeting with representative of the City, please contact myself on 9956 6651.

Yours sincerely

Mark Chadwick
MANAGER ENVIRONMENTAL HEALTH AND SUSTAINABILITY
Dear Mr Bagdon

SECURING WESTERN AUSTRALIA’S WATER FUTURE POSITION PAPER

Thank you for the opportunity to provide feedback on the Department of Water’s Position Paper – *Securing Western Australia’s Water Future*. The City of Joondalup has reviewed the Position Paper and would like to submit the enclosed comments for your consideration.

If you would like further information regarding the City’s feedback please contact Rebecca Maccario, Environmental Development Coordinator on 9400 4544 or rebecca.maccario@joondalup.wa.gov.au

Yours sincerely

GARRY HUNT PSM
Chief Executive Officer
The City of Joondalup thanks the Department of Water for the opportunity to comment on the Position Paper: Reforming Water Resource Management. The City of Joondalup supports the Department of Water’s approach to water management reform and acknowledges the need to review existing policy to provide a more equitable, transparent and sustainable approach to water allocations.

The following comments relating to the Position Paper are provided for the Department’s consideration.

**Improved planning framework**

The City of Joondalup supports the legislative changes and policy framework proposed including the introduction of statutory allocation limits and the provision for statutory allocation plans. Since 2008/09, the City has been on a path of continuous improvement in terms of goal setting and delivery of water efficiency objectives.

The City of Joondalup has invested significant funds and resources to implement measures to enable efficient use of our groundwater, ensuring that consumption is within or below the specified allocation limits; this has included metering of all bores and monthly monitoring and reporting.

The City would welcome measures that ensure the distribution of the State’s water resources in a fair and equitable manner that enforced the responsible use of water by all users, including mandatory metering, measuring and reporting for all water licensees.

The City is also supportive of the establishment of local water advisory groups to advise the State government on water management and allocation limits. The City would like further information regarding the proposed terms of reference and membership of the advisory groups and would welcome further consultation with the local government sector regarding the establishment of these groups.

**Recovery of over allocated water, risk management and compensation**

The City of Joondalup supports allocations being established in the context of seasonal climatic conditions, however seeks clarification on the methodology that will be adopted in reviewing current and future allocations. Currently allocations are determined at a nominal rate per hectare multiplied by the number of hectares to be irrigated. In establishing new allocations in over-allocated areas, will the Department take into account what percentage of irrigated land is used for active and/or passive recreation? It should be noted that the area that the City irrigates has increased since allocations were granted in 2008/09. Will new allocations take this into account?

The City supports water management reform that aims to support water dependant ecosystems and encourages the Department to strongly consider environmental uses of water in reviewing and establishing allocations in areas where these sensitive ecosystems exist.
Improved licensing

The City of Joondalup welcomes the Department of Water’s proposed changes to current licensing arrangements and acknowledges that the proposed regime will simplify licensing requirements.

The City is supportive of measures that will enable simplified and more transparent water trading and transfer arrangements, including consistency in trading rules across the State and the requirement for transfer and trading information to be made publically available. To ensure equitable and responsible use of water resources by all users the City would encourage the Department to ensure that users are utilising current allocations in a sustainable manner prior to the approval of a trade of transfer from another licensee.

The introduction of a clear process for varying licence volumes based on seasonal climatic conditions would ensure that allocations are set in a manner that considers water availability and environmental uses of groundwater. Whilst the City is supportive of these measures it is vital that clear and transparent processes are established. The City would welcome further consultation with the local government sector in developing these mechanisms.
Dear Sir

Securing Western Australia's Water Future - Position Paper

Thank you for the opportunity to comment on the above Position Paper which has been released for public comment until 31 December 2013. The Shire of Murray is pleased to forward the following submission:-

- The Shire is generally supportive of rationalising and updating outdated Legislation and rebuilding the Legislative framework to meet the water challenges now facing the State. The Shire looks forward to having further input and comment on the required operational policies and regulations that will underpin the reform agenda.

- Introduction of water access entitlements through a statutory water allocation plan appears to have merit with some qualifications to clarify that Local Government be guaranteed rights to existing water supply allocations as part of ongoing open space maintenance agreements and commitments with major residential developers for shared management.

- In terms of accessing water via abstraction arrangements, the Shire queries whether a site use approval providing permission to take water from a particular site would also constitute Planning Approval under Council's Town Planning Scheme controls or if that would be a separate application process.

- The Shire queries whether existing water allocation Licences can be converted with Local Government entitlements under community service obligations being continued and not requiring shares to be purchased?

- The Shire would raise concerns if it was required to be part of a water allocation process where there were a significant number of users and we would be vying for a share of a consumptive pool where water trading could be undertaken by major landowners who could potentially "lock up" vast groundwater resources and not benefiting the general community. This is where having Local Advisory Group input would be important to assess the overall sub-catchment water needs and priorities.

- The Shire queries how Local Water Advisory Groups would be established and by whom? Also what role would the Advisory Groups play in determining whole of catchment water allocation plans and what water resource information would be relied on to base decisions on allocation limits?
• The Shire of Murray has been actively promoting and pursuing funding for research into a pilot Managed Aquifer Recharge scheme within the Nambeelup locality in partnership with Department of Water. The Shire therefore fully supports the policy concept of investigating alternate mechanisms for allocating water for non potable water supply use and stormwater harvesting schemes that can provide increased water security and decrease nutrient pollutant loads into RAMSAR listed Peel Harvey waterway systems. Under the Murray Groundwater Allocation plan current demand for groundwater supplies already exceeds or is close to exceeding the supply potential under natural recharge conditions. MAR offers a significant potential for stormwater harvesting to be integrated into future urban and industrial developments to supply a non climate dependant source of water for non potable, fit for purpose use. The Shire is currently pursuing a partnership approach with CSIRO under its Healthy Country Flagship program to examine alternate groundwater testing sources and provide more rigorous science behind the MAR feasibility modelling research that can be used as a test case model in other areas.

• The Shire of Murray is willing to consider more formal negotiable arrangements for prioritising water allocation plans (similar to agreements reached with City of Wanneroo at Yanchep-Two Rocks and Alkimos) over sub catchment development areas where major urban growth is proposed to service future active and passive public open space areas and landscape treatments using drought tolerant plant species. The Shire of Murray looks forward to examining similar Water Supply Strategy arrangements for the Peel sub regional Structure plan area based on future Urban and Industrial growth potential and specifying new irrigation models and design principles instead of relying upon an unsustainable 'business as usual' approach to water allocation.

• The Shire notes that the position paper is not intending to reform or modify water quality targets that may have already been established in Water Quality Improvement plan documents but that water quality objectives would be taken into account in all applicable decision making processes. The Shire acknowledges further work carried out by DOW and the Peel Harvey Catchment Council on Sub-catchment Implementation Plans for the Nambeelup, Dirk Brook-Punrak and Mayfield subcatchments by identifying management measures at a finer scale and the need for continued catchment monitoring linked with a range of on ground collaborative strategies and projects to meet water quality improvement targets.

• On the issue of Drainage reform, the Shire notes the intent to provide for a single and modernised legislative framework for drainage and queries whether there will be differences across Metropolitan and Country areas. The Peel Harvey Catchment Council has recognised the need for development and implementation of a Regional Drainage Policy for the Peel-Harvey Coastal Plain Catchment and need for significant reform in the way in which the artificial drainage system is maintained.

Once again, thank you for the opportunity to comment on the Position Paper and should you have any queries regarding the above comments, please do not hesitate to contact the undersigned.

Yours faithfully

Brett Flugge
Executive Manager Strategic Development
24 December 2013

Policy submissions- Water Reform
Policy and Innovation Directorate
Department of Water
PO Box K822
Perth WA 6842

Dear Maree De Lacey

SECURING WESTERN AUSTRALIA’S WATER FUTURE - A POSITION PAPER

Thank you for your invitation to comment on this important issue to the Shire of Nannup. Nannup relies heavily on our agricultural, timber and environmental/tourism industries, all of which are potentially affected by underground water decisions and impacts.

We have the following input to the current community consultation based on previous Council positions and investigation:

General Notes
- We commend the long term planning and research approach in mapping a sustainable future for all users and the environment.
- Water reform has been a contentious issue in this area for a considerable amount of time and whilst it is accepted changes need to be made, particularly in respect to the State Government implementing aspects of the National Water Initiative, the current position paper still does not adequately reflect or address the unique issues surrounding water use in our Region. We accept that work on reform has been conducted over a lengthy period, but this alone reflects the difficult nature of the reform and believes more time is needed to ensure the changes required are made in a careful and considered way. As the region contributes the greatest amount of agricultural produce in Western Australia, any changes that are going to adversely affect operators need to be thoroughly investigated.
- From references in state government documentation (Department of Water Bridgetown Regional Water Supply Report WRP131April 2012) and other research it is our understanding that the Yarragadee and Leederville aquifers are connected,
such that a draw down on the Yarragadee will lower the Leederville too. Hence, even the current 1.09GI allocation has the capacity to effect Leederville and hence the agricultural capacity and environment of the region. Nannup has a large area within the South West of 3000 square kilometres. With the considerable state forest vegetation (85% of the municipality), agricultural use (10%) and plantations the demand on water from the Leederville aquifer is high.

- As a result of our preceding point, any increased allocations may have an even greater effect on our circumstances and we accordingly request that the Shire of Nannup be included as a stakeholder on future decisions affecting our water future.
- We agree with the emphasis on recycling, reducing water use and finding additional water sources for residential, industrial, agricultural and mining uses. The system must be based on demonstrated need in all cases.
- Shire of Nannup is keen to be part of further stakeholder and community groups and Local Water Advisory Groups.
- We request that considerable attention is given to the proposed new legislation and that more details on the implementation of changes are detailed before the legislation is considered.

Specific Notes

- In discussion with researchers, it is apparent that that a baseline reading for the Blackwood River has still not been gained, and we believe that this baseline must be more clearly understood before any further increase in allocations in the region are proposed.
- There have been considerable changes in rainfall over the recent years. Even the recent non-drought year still has a reduced rainfall throughout the majority of the year. These changes need to be understood and factored into any future proposals.
- The proposed changes in respect to overallocated systems, consumptive pools, licensing and water access entitlements are not clearly defined in the position paper to enable specific comments. However, based on your limited notes on the matter, we tentatively support additional improvements of releasing unallocated water and over-allocated systems.
- We support the implementation of local advisory groups as a mechanism, but question the ability of these groups to effectively influence decisions which are yet to be determined.
- We are concern that the regulating of aquifer injection activities and the interception of water by plantations, neither of which have any details included in the position paper, making it impossible to ascertain the likely impact of changes to the management of these two activities.
- We are concerned over the potential equity issues in creating tradeable water access entitlements.
- We agree with the following statements and principles:
• Use appropriate policy and regulation to balance the needs of water users with the protection of water-dependent ecosystems
• Introduction of statutory allocation limits and plans
• Section 2.4.5.1

From the documentation, it appears that statutory water allocation plans are only prepared in certain conditions. Further clarity on this matter would be appreciated for us to be able to provide specific comments.

The Shire of Nannup considers it to be essential for it to be included on any future decisions on underground water decisions and impacts. I am available to be contacted on 08 9756 1018 for any such matters.

Yours faithfully

[Signature]

Robert Jennings
CHIEF EXECUTIVE OFFICER

Copy WALGA, PO Box 1544, West Perth WA 6872
Dear Sir

SOUTH WEST GROUP SUBMISSION- WATER REFORM POSITION PAPER

The South West Group welcomes the opportunity to lodge this submission on the Securing Western Australia’s Water Future Position Paper – Reforming Water Resource Management (September 2013) and commends the Department of Water in seeking to better secure WA’s water resources.

The South West Group, formed in November 1983, is a Voluntary Regional Organisation of Councils (VROC). It comprises the Cities of Cockburn, Fremantle, Kwinana, Melville, and Rockingham, and the Town of East Fremantle. The South West Group is managed by a Board consisting of the Mayors and CEOs of its member local governments.

The South West Group seeks to work with these six local governments and through cooperation with industry, community and the other spheres of government to capture a wide range of opportunities to enhance economic growth as well as supporting a diversity of quality lifestyles whilst servicing and sustaining cohesive, productive communities in an enviable environmental setting.

The comments provided below have been provided in response to the various proposals put forward in the position paper, under section 3 (Changes in detail). The South West Group has also prepared a background paper (refer to attachment), which describes the regional significance of groundwater allocations for member Councils and recommends licence categories to protect local government allocation for community use benefits that promote healthy and active lifestyles.
The responses have been considered by the South West Group Board and draw from feedback provided by the Planning and Infrastructure Committee and Technical Directors Committee, which provide strategic and technical advice on planning matters to the Board.

3.1 IMPROVED LICENCING

3.1.1 Simplified licensing

Proposal: Introduce levels of assessment and assessment criteria for licence and permit applications to vary according to circumstances, risk, other users and the environment.

Response: Proposal supported, recognizing that Local Government's use of water (community facilities, irrigation etc) has a wider community benefit and positive contribution toward landscape amenity that needs to be given priority in the criteria.

3.1.2 Licence trading and transfer

Proposal: Simplify the assessment process for low risk transfers, legislate to provide consistency and certainty to water traders and make traded volumes and process publically available.

Response: Proposal supported, however refer to recommended categories identified on Table 4 of the attached South West Group Background Paper to ensure equitable utilisation of water resource for community benefit.

3.1.3 Licence tenure

Proposal: Enable the extension of the term of licences for up to 40 years.

Response: Proposal supported.

3.1.4 Variation to existing water entitlements

Proposal: Provide for legislation to decrease or increase annual volumes in order to match water use with water availability, including variation of volumes on a seasonal basis.

Response: Proposal supported.

3.2 WATER ACCESS ENTITLEMENT FRAMEWORK

3.2.1 Introduction of water access entitlements

Proposal: As part of the proposed statutory water allocation plan, introduce water access entitlements that are able to be perpetual, traded, mortgaged and bequeathed.

Response: Proposal supported, however refer to recommended categories identified on Table 4 of the attached South West Group Background Paper to ensure equitable utilisation of water resource for community benefit.

3.2.2 Consumptive pools

Proposal: Introduce consumptive pools to aggregate water available for consumptive use as determined through a modelling and assessment process. Management of the consumptive pool will be through an adaptive management approach based on sharing rules.
Response: Proposal supported, however refer to recommended categories identified on Table 4 of the attached South West Group Background Paper to ensure equitable utilisation of water resource for community benefit.

3.2.3 Water allocations
Proposal: Changes in the availability and volume of water in the consumptive pool will be made periodically and announced, whereby the number of shares would not change but the volume of water volume for each share would change.

Response: Proposal supported, however refer to recommended categories identified on Table 4 of the attached South West Group Background Paper to ensure equitable utilisation of water resource for community benefit. In addition, Local Government will need to be provided with advance notice for changes in allocation due to the requirement to manage community complaints resulting from loss of community facilities water and/or landscape amenity through reduced irrigation of open space.

3.2.4 Accessing the water
Proposal: Establish abstraction arrangements to access water through water resource works approval (similar to current provisions) or a site use approval (permanent or temporary)

Response: Proposal supported as it provides greater flexibility in accessing water for specific purposes under short term arrangements. However refer to recommended categories identified on Table 4 of the attached South West Group Background Paper to ensure equitable utilisation of water resource for community benefit and that temporary licences are not tradeable.

3.3 IMPROVED FRAMEWORK

3.3.1 Introduction of statutory allocation limits
Proposal: The Minister will have the power to statutorily define and amend boundaries for a water resource (sub-area boundary and depth for a groundwater resource, and sub-area boundaries for a surface water resource) and also be able to statutorily define the allocation limit for that water resource.

Response: Proposal is supported on the basis that the mechanisms for statutory allocation limits will be determined through a consultative process involving Local Government.

3.3.2 Introduction of statutory allocation plans
Proposal: It is proposed that statutory water allocation plans will be developed over a period of time based on priorities related to the level of development of the resource, scale of risks and management complexities. The plans will establish clear water sharing rules, statutory allocation limits and boundaries, but provide operational flexibility within those rules.

Response: Proposal is supported. Although as indicated the Gnangara groundwater area is likely to be one of the first areas to have a statutory allocation plan developed, an indication on when a plan will be developed for the Jandakot groundwater area would be appreciated by the South West Group member Councils.
3.3.3 Measurement including metering
Proposal: To introduce a phased in metering and/or measurement approach in licence conditions for groundwater allocations above SOOML (first priority) and below SOOML (later priority). It is proposed to make a legislative change that requires metering for all water access entitlements as required in the context of a statutory water allocation plan.

Response: Proposal is supported, noting that groundwater abstraction licences managed by Local Government are generally metered as required under operating strategies.

3.3.4 Local water advisory groups
Proposal: To establish voluntary local advisory groups to work with the Department of Water to inform and provide advice on water management and allocation issues within a specific locality. Local Government has been identified as a representative group on the proposed water advisory groups.

Response: Proposal is supported and South West Metropolitan Region local governments should be invited to be represented given their groundwater utilisation.

3.3.5 Allocation mechanism for the release of unallocated water
Proposal: It is proposed that the new legislation allow for unallocated water to be granted by various mechanisms, including first in first served (FIFS), competitive submission according to certain criteria which may not involve payment for the water, market mechanisms or other suitable means. The method of releasing unallocated water will vary across the state taking into account the resource characteristics, the level of demand, and community and industry requirements. Local advisory groups would play a role in determining suitable mechanisms.

Response: Proposal generally supported, noting that Local Government should be given first preference for options to access unallocated water given the wider community benefit associated with its use of extracted water. This is particularly relevant to areas subject to increased urban development due to high population growth, as the Local Governments are required to take over new public open space irrigation systems established during subdivisions.

Preliminary data gathered from the member Councils by the South West Group indicate an annual increase in POS irrigation demand of approximately 2.0 to 2.5 GL over the next 5 – 15 years in the South West Metropolitan Region.

Local governments should be given preference to determine if they have a requirement for unallocated water for POS irrigation purposes prior to offering unallocated water to other users.

3.3.6 Recovering over-allocated resources
Proposal: A process for returning over-allocated systems to the allocation limit needs to be included in the legislation to increase transparency and provide security to water users. The statutory allocation limit will set a cap on the total volume of water entitlements that can be allocated within a water resource.

It is proposed to maintain the existing policy on managing water entitlements (Management of unused licensed water entitlements 2003) to vary the entitlement if the
quantity of water that may be taken under the licence has consistently not been taken, taking into account extenuating circumstances or operational strategies (the use-it or lose-it policy). This policy would not apply in the case of water access entitlements.

**Response:** Proposal is supported in principle, however Local Governments require the flexibility to retain any excess allocation limit to ensure there is adequate water availability during drier conditions and to service new irrigation areas established through the urban development process.

### 3.3.7 Risk assignment framework and compensation

**Proposal:** New risk assignment provisions will be included in the legislation specifying that the risk of permanent cuts to the entitlement is borne by the water user rather than the government if the cut is due to climate or natural events alone. If the cuts are not due to climate or natural events alone, the risks could be shared between the government and the water users.

At present, government is liable to pay compensation where entitlements are but permanently, unless the cuts are 'fair and reasonable' in respect of other licence holders in the area. This legal capacity has not been tested. Change is needed to remove the impost on the taxpayer and clarify who bears the risk under certain circumstances.

**Response:** Proposal supported, noting that the introduction of shared compensation costs for reduced allocation limits between State and Local Government will mean that taxpayers will share the costs either way.

### 3.4 LINKED POLICY CONSIDERATIONS

#### 3.4.1 Environmental water

**Proposal:** Provisions on water for the environment are spread across several pieces of legislation. Change is needed to provide transparency and security for environmental water. It is proposed to consolidate existing provisions and make it explicit that provision is to be made for environmental water in water resource management, where appropriate.

The criteria that will be used to determine environmental water provisions will be set out in regulations or statutory water allocation plans.

**Response:** Proposal supported, noting that consultation is required with licence holders (including local governments) in areas where environmental water provisions are proposed. Refer to recommended conditions for environmental licences identified on Table 4 of the attached South West Group Background Paper to ensure equitable utilisation of water resource for community benefit and no commercial/trading rights.

#### 3.4.2 Water quality

**Proposal:** Current rules on water quality are spread over several pieces of legislation. It is therefore proposed to consolidate existing provisions and make explicit that water quality requirements are to be taken into account in all applicable decision-making processes.
Response: Proposal supported in principle, however further details are required showing how this proposal will be implemented is required.

3.4.3 Basic water

Proposal: Basic water is for essential purposes including water for stock and the water we need to survive. This applies to every person, irrespective of whether they are a property owner or not. This does not apply for water that is used for commercial purposes.

Change is needed to remove the inconsistency between basic water for groundwater and surface water systems and to condition basic water so it reflects domestic and stock needs. Therefore it is proposed to consolidate existing legislation and establish basic water for groundwater and surface water users that will include the conditions under which this provision may be exercised.

Response: Proposal supported.

3.4.4 Protection and management of public drinking water sources

Proposal: Rules for the protection of water in public drinking water source areas are contained in a number of Acts and sources are treated differently depending upon whether they are located inside or outside the metropolitan area. Superior protection is afforded under the metropolitan regime as there is, for example, the capacity to declare 'reservoir protection zones', unlike that in country areas.

Change is needed to uniformly protect water quality in public drinking water source areas in metropolitan and regional areas. It is proposed to consolidate and modernise the existing legislation to provide for a single legislative framework for public drinking water source areas that applies in both metropolitan and regional areas.

Response: Proposal supported.

3.4.5 Protection and management of public water supply

Proposal: Present legislation provides that sustainable management of water resources includes accounting for use and development for domestic purposes. This intent, strengthened to ensure adequate and safe public water supply will be carried into new legislation. Legislation will enable specification of a purpose for allocated water, assigning of a priority for a purpose and for the setting of a performance measure.

Response: Proposal supported.

3.4.6 Managing at state level

Proposal: An area needs to be proclaimed before licences can be issued. The current approach is to proclaim surface water and groundwater areas, which entails a lengthy and cumbersome process, including the need for approval by the Governor. It is suggested to remove the need for proclamations, and substitute this process with something simpler, such as a Ministerial Order.

Response: No comment, as more related to Department of Water core processes.
3.4.7 Compliance and enforcement

Proposal: Enforcement refers to offences and their related penalties. Current offences and penalties are out-dated and not applied uniformly to surface water and groundwater resources. In addition, penalty amounts are not uniform with similar offences throughout the Act, nor are they consistent with other Western Australian legislation including environmental legislation, or water legislation in other jurisdictions.

Change is needed to provide clear rules on offences and connected penalties, and to ensure these are a deterrent to breaching the Act and protecting responsible water users. It is proposed to ensure that all appropriate offences are included in the legislation and penalties are a sufficient deterrent.

Response: Proposal is generally supported, however further consultation is required with Local Government to assess the implications of the proposed enforcement regime and expected penalties to be applied for licence holders and general public.

3.4.8 Drainage

Proposal: Rules for drainage management are contained in a number of Acts and are treated differently depending on whether they are located inside or outside the metropolitan area. Change is needed to uniformly manage drainage in metropolitan and regional areas, and clarify that a broader range of drainage management activities is covered by the legislation.

It is proposed to consolidate and modernise the existing legislation to provide for a single legislative framework for drainage that applies in both metropolitan and regional areas.

Response: Proposal is supported in general, noting that Local Government was represented on the Drainage Reform Group (coordinated by the CSIRO) and consideration needs to be given to the outcomes determined through this work. Local Government manages the majority of drainage in the metropolitan area and therefore needs to be involved as a key stakeholder in developing any legislation.

3.4.9 Injections

Proposal: The current legal framework is based on the taking of water. Innovation and technology provides for mechanisms by which water or fluids can be injected into the ground that may be recovered at a later time – the current legal framework does not accommodate this.

The proposed regulation will provide clarity and security of future take of water to those undertaking injecting activities. It will also encourage injecting activities that may reduce demand on current water supplies.

Response: Proposal supported, however refer to recommended categories identified on Table 4 of the attached South West Group Background Paper to ensure equitable utilisation of water resource for community benefit and no commercial/trading rights for injection water.

3.4.10 Interception by plantations

Proposal: Plantations intercept rainfall and thereby impact on the water resource, other water users and the environment. It is proposed to include consideration of plantations
in the development of statutory water allocation plans or statutory allocation limits, including the contribution to water quality and inclusion of existing plantations as an unregulated user.

**Response:** No specific comment, however note potential risks for environmental rehabilitation and plantations being potentially constrained by groundwater requirements as outlined in the attached South West Group Background Paper.

I trust that consideration will be given to the feedback provided in this submission and attached background paper.

It is recommended that the Western Australian Local Government Association (WALGA) be specifically consulted and fully briefed regarding any changes impacting on metropolitan or regional Local Governments. WALGA has established the required consultative structures to gain the broader views and consensus amongst the Local Government sector.

If you have any queries regarding this correspondence, please contact the Director South West Group (Mick McCarthy) by email director@southwestgroup.com.au, phone on 9364 0631 or mob 0478 325 469.

Yours sincerely

Chair South West Group

Attachment: Background Paper on Local Government and Water Resources in the South West Metropolitan Region
LOCAL GOVERNMENT AND WATER RESOURCES IN THE SOUTH WEST METROPOLITAN REGION

SOUTH WEST GROUP RESPONSE TO POSITION PAPER -SECURING WESTERN AUSTRALIA'S WATER FUTURE

Introduction
Local Governments in the South West Metropolitan Region use significant quantities of water for irrigation of public open space, landscaping and recreation areas and are heavily involved in the issues raised in the Position Paper.

Most of this irrigation water is groundwater sourced from the shallow superficial aquifer with smaller quantities coming from confined aquifers, drainage reuse and scheme water.

Groundwater abstraction takes place in multiple locations throughout the region. For instance the City of Melville reports having 143 bores, 154 water pumps and 179 irrigation systems to water 330 hectares on 183 sites. Every bore in the City of Melville is metered and, along with other South West Metropolitan Region local governments, the use the latest technology to maximise water conservation and water use efficiency is common practice.

Many of the recommendations in the Position Paper should be supported but other recommendations need to be modified to reflect the unique position of local government.

The most significant change is that a category of non-tradeable licence for "Community Purposes" be introduced which would provide for the bulk of local government groundwater abstraction. The justification for this is that the local government use of groundwater is primarily for community benefits and directly supports healthy lifestyles, public amenity and active community participation in recreation.

This position is directly aligned with a key principle of the proposed water reform which states that:

"Effective water resources management will support state development, community wellbeing, our quality of life and the water dependent environment".
Groundwater Management

Groundwater is managed by the Department of Water across the South West Metropolitan Region. Each groundwater area is subject to a triennial review, which indicate that across the South West Metropolitan Region there is limited availability of groundwater. In 2009 the CSIRO identified the committed groundwater allocations in Table 1.

Table 1: Committed Groundwater Allocations 2009

<table>
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<tr>
<th>Groundwater Area</th>
<th>Total of Allocation Limits Kilolitres per year</th>
<th>Total of Committed Allocations Kilolitres per year</th>
<th>Percentage Committed</th>
<th>Comments</th>
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<td>166 712 655</td>
<td>96.0%</td>
<td>Part only in SWMR</td>
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<td>21 951 619</td>
<td>87.0%</td>
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<td>369 13605</td>
<td>83.0%</td>
<td></td>
</tr>
<tr>
<td>Rockingham</td>
<td>- 23 756 000</td>
<td>16 149 356</td>
<td>68.0%</td>
<td></td>
</tr>
<tr>
<td>Stakehill</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Groundwater management areas in the South West Metropolitan Region include:

- Part of the Perth groundwater area
- Cockburn groundwater area (see Figure 1)
- Part of the Jandakot groundwater area
- Rockingham - Stakehill groundwater area (see Figure 2)

Figure 1: Cockburn Groundwater Area
Local Government Groundwater Licenses

The South West Metropolitan Region local governments hold licences for extraction of significant quantities of groundwater from superficial aquifers and the confined Leederville aquifer. Licence details are shown in Table 2.

Table 2: SWMR Local Government Groundwater Licence Allocations

<table>
<thead>
<tr>
<th>LGA Sub Total</th>
<th>Groundwater Area</th>
<th>Licence Allocation Kilolitres per year</th>
<th>Aquifer</th>
<th>Licence Expiry Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melville</td>
<td>Perth</td>
<td>96,750</td>
<td>Leederville</td>
<td>2.12.15</td>
</tr>
<tr>
<td></td>
<td>Perth</td>
<td>2,202,959</td>
<td>Superficial</td>
<td>2.12.15</td>
</tr>
<tr>
<td>LGA Sub Total</td>
<td>Perth</td>
<td>2,299,709</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Fremantle</td>
<td>Perth</td>
<td>7,500</td>
<td>Superficial</td>
<td>28.12.14</td>
</tr>
<tr>
<td></td>
<td>Perth</td>
<td>2,250</td>
<td>Superficial</td>
<td>28.12.14</td>
</tr>
<tr>
<td></td>
<td>Perth</td>
<td>74,250</td>
<td>Superficial</td>
<td>28.12.14</td>
</tr>
<tr>
<td></td>
<td>Perth</td>
<td>7,500</td>
<td>Superficial</td>
<td>28.12.14</td>
</tr>
<tr>
<td>LGA Sub Total</td>
<td>Perth</td>
<td>84,750</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fremantle</td>
<td>Perth</td>
<td>129,000</td>
<td>Superficial</td>
<td>20.7.15</td>
</tr>
<tr>
<td></td>
<td>Perth</td>
<td>507,900</td>
<td>Superficial</td>
<td>8.3.15</td>
</tr>
<tr>
<td></td>
<td>Perth</td>
<td>32,325</td>
<td>Leederville</td>
<td>8.3.15</td>
</tr>
<tr>
<td></td>
<td>Perth</td>
<td>39,150</td>
<td>Superficial</td>
<td>8.3.15</td>
</tr>
<tr>
<td>LGA Sub Total</td>
<td>Perth</td>
<td>708,375</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cockburn</td>
<td>Cockburn</td>
<td>1,388,178</td>
<td>Superficial</td>
<td>30.6.18</td>
</tr>
<tr>
<td></td>
<td>Cockburn</td>
<td>369,325</td>
<td>Superficial</td>
<td>30.6.18</td>
</tr>
<tr>
<td></td>
<td>Cockburn</td>
<td>55,950</td>
<td>Superficial</td>
<td>20.9.21</td>
</tr>
<tr>
<td></td>
<td>Jandakot</td>
<td>211,650</td>
<td>Superficial</td>
<td>30.6.18</td>
</tr>
<tr>
<td></td>
<td>Jandakot</td>
<td>54,750</td>
<td>Superficial</td>
<td>30.6.18</td>
</tr>
<tr>
<td></td>
<td>Jandakot</td>
<td>23,900</td>
<td>Superficial</td>
<td>30.6.18</td>
</tr>
<tr>
<td></td>
<td>Jandakot</td>
<td>65,250</td>
<td>Superficial</td>
<td>26.8.13</td>
</tr>
<tr>
<td></td>
<td>Jandakot</td>
<td>553,750</td>
<td>Superficial</td>
<td>30.6.18</td>
</tr>
<tr>
<td>LGA Sub Total</td>
<td>Jandakot</td>
<td>2,722,753</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kwinana</td>
<td>Jandakot</td>
<td>15,000</td>
<td>Superficial</td>
<td>21.6.20</td>
</tr>
<tr>
<td></td>
<td>Cockburn</td>
<td>781,075</td>
<td>Superficial</td>
<td>21.6.20</td>
</tr>
<tr>
<td></td>
<td>Jandakot</td>
<td>115,700</td>
<td>Superficial</td>
<td>21.6.20</td>
</tr>
<tr>
<td></td>
<td>Jandakot</td>
<td>23,500</td>
<td>Superficial</td>
<td>27.5.14</td>
</tr>
<tr>
<td></td>
<td>Jandakot</td>
<td>9,500</td>
<td>Superficial</td>
<td>27.5.14</td>
</tr>
<tr>
<td></td>
<td>Cockburn</td>
<td>104,250</td>
<td>Superficial</td>
<td>21.6.20</td>
</tr>
<tr>
<td>LGA Sub Total</td>
<td>Jandakot</td>
<td>1,049,025</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rockingham</td>
<td>Rockingham</td>
<td>2,725,900</td>
<td>Superficial + RS</td>
<td>30.6.14</td>
</tr>
<tr>
<td></td>
<td>Rockingham</td>
<td>410,470</td>
<td>Superficial + RS</td>
<td>31.12.16</td>
</tr>
<tr>
<td></td>
<td>Stakehill</td>
<td>6,900</td>
<td>Leederville</td>
<td>30.6.14</td>
</tr>
<tr>
<td></td>
<td>Stakehill</td>
<td>184,925</td>
<td>Superficial</td>
<td>15.8.23</td>
</tr>
<tr>
<td></td>
<td>Cockburn</td>
<td>79,385</td>
<td>Superficial</td>
<td>30.6.14</td>
</tr>
<tr>
<td></td>
<td>Rockingham</td>
<td>232,475</td>
<td>Superficial + RS</td>
<td>31.12.16</td>
</tr>
<tr>
<td></td>
<td>Stakehill</td>
<td>469,445</td>
<td>Superficial</td>
<td>13.11.22</td>
</tr>
<tr>
<td></td>
<td>Rockingham</td>
<td>313,125</td>
<td>Superficial + RS</td>
<td>30.6.14</td>
</tr>
<tr>
<td></td>
<td>Stakehill</td>
<td>46,950</td>
<td>Leederville</td>
<td>30.6.14</td>
</tr>
<tr>
<td></td>
<td>Rockingham</td>
<td>154,230</td>
<td>Leederville</td>
<td>6.9.23</td>
</tr>
<tr>
<td>LGA Sub Total</td>
<td>Rockingham</td>
<td>4,623,805</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SWMR LGA Total</td>
<td></td>
<td>11,488,417</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note: Superficial + RS is Superficial aquifer plus Rockingham Sands*

Table 2 shows that current licences have been issued for up to ten years with the latest expiring in 2023.
Table 3 below shows local government use from selected groundwater areas in the South West Metropolitan Region, indicating an average of 9.0% of the groundwater is allocated to local government for community use.

This is a significant proportion of the groundwater resource that requires protection and should not be able to be traded, given the wider community benefits and positive quality of life contribution associated with this use.

Table 3: Local Government Use of Water from Selected Groundwater Areas

<table>
<thead>
<tr>
<th>Groundwater Area</th>
<th>Total Allocation Limits Kilolitres per year</th>
<th>Local Government Allocation Kilolitres per year</th>
<th>Per Cent of Local Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jandakot</td>
<td>25 280 000</td>
<td>Cockburn 909 300</td>
<td>3.6%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kwinana 163 700</td>
<td>0.6%</td>
</tr>
<tr>
<td>Sub Total</td>
<td></td>
<td>1 073 000</td>
<td>4.2%</td>
</tr>
<tr>
<td>Cockburn</td>
<td>44 680 000</td>
<td>Cockburn 1 813 453</td>
<td>4.1%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kwinana 885 325</td>
<td>2.0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rockingham 79 385</td>
<td>0.2%</td>
</tr>
<tr>
<td>Sub Total</td>
<td></td>
<td>2 778 163</td>
<td>6.2%</td>
</tr>
<tr>
<td>Rockingham</td>
<td>23 756 000</td>
<td>Rockingham 4 544 420</td>
<td>19.1%</td>
</tr>
<tr>
<td>- Stakehill</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>93 716 000</td>
<td></td>
<td>9.0%</td>
</tr>
</tbody>
</table>

Figure 2: Rockingham Stakehill Groundwater Area
Categories of Licences

A key principle of the proposed water reform is that "Effective water resources management will support state development, community wellbeing, our quality of life and the water dependent environment".

The current licence categories related to the consumptive pool do not appropriately reflect the role of local government allocations to ensure that the above key principle is achieved, particularly in relation to community well being and quality of life.

The recommended approach is to have different categories of licences to reflect the different elements of this principle. The recommended categories and their purpose, eligibility and tradable status are contained in Table 4.

Table 4: Recommended Categories of Licences

<table>
<thead>
<tr>
<th>License Category</th>
<th>Tradeable</th>
<th>Eligible Holder</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental</td>
<td>No</td>
<td>Government and not for profit organisations</td>
<td>Groundwater used solely for environmental management and remediation</td>
</tr>
<tr>
<td>Community</td>
<td>No</td>
<td>Government and not for profit organisations</td>
<td>Development and maintenance of sporting, recreation and landscaping</td>
</tr>
<tr>
<td>Commercial</td>
<td>Yes</td>
<td>Unrestricted</td>
<td>Broad commercial activity</td>
</tr>
<tr>
<td>Recovery</td>
<td>No</td>
<td>Unrestricted</td>
<td>Recovery of water collected by water harvesting or injection</td>
</tr>
<tr>
<td>Injection</td>
<td>No</td>
<td>Unrestricted</td>
<td>Injection without recovery for heat loss, mine dewatering or disposal of saline water into non potable aquifers</td>
</tr>
<tr>
<td>Temporary</td>
<td>No</td>
<td>Unrestricted</td>
<td>Dewatering, removal of contamination, public health purposes</td>
</tr>
</tbody>
</table>

**Environmental licences** would be limited to government agencies, local governments and not for profit organisations undertaking environmental management or remediation. Licences may be temporary or permanent. They would have no commercial value and not be tradeable. They could be transferred between eligible holders. There would be no cost impost on these licences for groundwater management.

**Community licences** would principally be provided to local governments to establish and maintain parks, recreation areas, sporting facilities and landscaping. They could also be used for environmental management. They would be long term allocations. They would have no commercial value and not be tradeable. They could be transferred between eligible holders. They would make a limited contribution to the cost of groundwater management.

**Commercial licences** would be tradeable, have commercial value and be able to be used for any productive activity. Local governments may acquire, hold and trade commercial licences. They may be used to establish and maintain parks, recreation areas, sporting facilities and landscaping where developer has acquired the licence as part of subdivision or commercial development activity and transferred the licence to a local government. They may also be acquired under community infrastructure levies. These licences would make the greatest contribution to the cost of groundwater management.
Recovery licences would be provide where an aquifer is being recharged through water harvesting, heat exchange or injection of suitable quality water for recovery. They would not be tradeable.

Temporary licences would be non-tradeable, issued for specific purposes such as dewatering, construction activity, managing groundwater contamination and public health purposes.

Statutory Water Allocation Plans

Statutory Water Allocation Plans should recognise the importance of groundwater allocation for community purposes and have a starting point of allocating 10% of the resource for community wellbeing and quality of life. This community allocation would typically be used by local governments to establish and maintain parks, recreation areas, sporting facilities and landscaping. Table 3 shows that in the South West Metropolitan Region between 4 to 20% of aquifer capacity is allocated to local governments for these purposes.

Local Water Advisory Groups

In the South West Metropolitan Region, the entire region area is covered by four groundwater areas. The South West Metropolitan Region local governments are all significant groundwater users, are involved in long term planning and should be given the option to be represented on any local water advisory groups relating to the region.

Plantations

The need to manage large scale plantations to protect groundwater is supported but there is a risk that environmental remediation and establishment of habitat (such as is required for Carnaby’s Cockatoos or as biodiversity offsets) may potentially be subject to groundwater management restrictions.

It is not expected that there will be any plantation type plantings in the South West Metropolitan Region other than small scale activity. This could include the planting Eucalypts for reducing light spill and improving visual amenity around Latitude 32. Another example could be that the City of Melville may decide to plant 2 hectares of its Piney Lakes Reserve with Pinus radiata for Carnaby’s Cockatoos feeding and nesting habitat. This scale and type of activity for these purposes should not be constrained by groundwater requirements.

Plantations should be carefully defined so that small scale tree planting of any type is excluded. A threshold of between 5 to 10 hectares would be sufficient to preclude environmental remediation, development of amenity, creation of buffers, biodiversity offset plantings and establishment of habitat being subject to groundwater restrictions.
19 December 2013

Policy submissions - Water Reform
C/O Tad Bagdon
Executive Director
Policy and Innovation Directorate
Department of Water
PO Box K822
PERTH WA 6842

Dear Tad,

RE: City of Swan submission regarding the "Reforming water resource management position paper."

Please find attached a submission on behalf of the City of Swan regarding the "Reforming water resource management" position paper which is currently released for public comment until the 31st December 2013.

While the City is generally supportive of the need for reform in the area of water legislation, review of this position paper has indicated a number of issues to be addressed in the future development of the legislative framework. These comments are contained in the submission attached.

The City of Swan appreciates the opportunity to provide input at this stage of the reform process. City staff are available to answer any further questions arising from this submission and we look forward to further opportunities to assist in the water reform process.

Yours sincerely

[Signature]

Steven Tan
Executive Manager
Planning
City of Swan submission
Securing Western Australia's Water Future - Position paper

Date Due: 31 December 2013

Introduction

Located on the north eastern fringe of the Perth metropolitan area, the City of Swan has a resident population of around 120,000 and a land area of 1045km². A large proportion of this land area sits above the Gnangara Mound and the Swan River bisects our City. Our stewardship role for these resources and our commitment to the provision of "sustainable communities" for our residents underpins the City's approach to water management. This commitment is demonstrated in our current water management practises across the City. For this reason, the City supports the need for legislative reform to further support sustainable water management in the groundwater system.

As a stakeholder in the process of water reform, the City has a keen interest in maintaining involvement in the reform process to ensure that we are able to represent the needs of our community and able to plan effectively for service provision within any new legislative framework. It is for this purpose that the City of Swan makes the following submission in response to the Position Paper entitled "Securing Western Australia's Water Future" as released by the Department of Water. This response is framed using the guidance questions published on the Department of Water website.

1. In your opinion, what aspects of water reform are important for the future of water management in Western Australia?

The key aspects of water reform that are of highest importance are;

- The need to review and update water legislation to ensure it supports sustainable management of our groundwater resources.
- The need to review the allocation process including current and future allocations to ensure it directs water resource to the community's priority uses.
- Development of an allocation system that aligns the water allocation process to the strategic land use intentions of other state government agencies. The planning process should not proceed until a suitable water allocation (share) or alternative supply for the intended final land use has been identified and reserved.
- Developing a system that ensures a sustainable (volume and affordability) and equitable distribution of water resource.
- Ensuring that water is viewed as a community resource, not a saleable commodity. Decisions on its use should be community based, democratic and not based on ability to pay.
2. What are your thoughts on the overarching elements in the framework, which consist of the modernised licensing system, water access entitlements, and the consolidation and modernisation of supporting legislation and policies?

The City of Swan is supportive of the need to update current legislation as many elements of the current legislation do not support sustainable management of our groundwater resources.

The City of Swan strongly recommends that the process of water allocation be reviewed in the context of existing legislation, strategy and policy of other state government agencies such that the water requirement arising from this legislation, strategy and policy is met as first priority or a review of land use capability is triggered.

The City of Swan has reservations in regards to the current capacity of local government governance structures to appropriately manage a statutory allocation regime and a dynamic allocation mechanism. A transition period allowing local authorities to develop governance structures and capacity around water allocation planning is strongly recommended.

3. What is your opinion of the proposed policies and planning tools?

The City of Swan is supportive of the proposed policies and planning directions detailed in this position paper but has recommendations in the following areas.

**Governance**

The City of Swan supports the proposal to move to statutory water allocation plans. The City also supports the proposal to allocate water using a dynamic share of the available "consumptive pool" as determined by groundwater testing and annually declared by the Minister for Water. However the City believes that both these approaches will require significantly enhanced internal governance procedures for water allocation planning within our local authority. These governance procedures are not yet in place and will take time and resources to develop to a level that mitigates the associated compliance and reputational risk.

**Recommendation**

The City of Swan recommends a transition period of not less than three years to allow the development of the governance structures and capacity in water allocation planning in order to fully mitigate the compliance and reputational risk arising from statutory and dynamic allocation plans.

**Consistency**

The City of Swan strongly suggests that the water allocation process be undertaken with due regard to current planning law and the strategic land-use intentions of other state government agencies. There are numerous examples within the City of Swan where the available water resource is not consistent with the current or intended land use and these inconsistencies should be rectified as first priority.
The most relevant example of this is the Swan Valley, an area for which land use is restricted in size and function to "viticulture and tourism related uses" through the Swan Valley Planning Act despite the fact that the water required to sustain these uses is not available.

It is also suggested that new legislation should also clarify and amend the water allocation process followed during the land development process. This currently involves three parties, the allocation manager (DoW), the interim land manager (Developer) and the ultimate and ongoing land manager (Local government). The land use objectives (regarding POS water demand) of the developer are often not aligned with that of the local authority and the current planning approval process does not resolve this difference. The outcome of this is that the local authority is required to take over management of POS with a high water demand. In some cases, the available water allocation does not match the site water demand. To resolve this situation and recognising that the local authority will always be the ultimate land manager for POS, it is suggested that the water reform process should include legislative provisions that

- Require the local authority to apply to the DoW for the entire water allocation at Masterplanning / Structure planning stage for any new subdivision and;
- Requires the developer to negotiate water allocations with the local authority as a part of the structure planning approval process.

Recommendation

The allocation process must give priority to the provision of water to satisfy the land use intentions defined in current legislation, strategy, schemes or policy or if this cannot be achieved, the process should trigger a review of the land use intentions for the subject land.

Development should not proceed without an enduring and suitable "share" of the local groundwater resource or the identification of alternative supply.

The local authority should apply to the DoW for the entire water allocation for any new subdivision at Master Planning/Structure Planning stage and as ultimate land manager, should have approval right for its allocation within any new subdivision.

Allocation mechanisms

The City of Swan supports a "merit-based" approach to water allocation and supports the development of "local advisory committees" for this purpose. This is seen as particularly important given the proposal to move to dynamic allocation pool as the decision-making that follows the proposed annual "ministerial declaration" would need to be transparent, accountable and based on agreed community priorities.

The City supports a limited water trading approach similar to that which exists within current geographic water license areas. Trading between shareholders should only be allowed within a boundary that can be proven to be hydrologically linked. If this is the basis by which each "consumptive pool" is determined, this should also be the trading boundary as well.
The process of allocation planning must also include the ability to "reserve" water allocation for future use. This is not possible using the current "First in First served" approach but is an essential requirement in the land development process to ensure water is available for future uses such as active open space or schools etc. The future development of these uses is predictable but construction is often triggered by a population "trigger point" which occurs later in the development timeline.

The City does not support the distribution of unused allocations by means of auction or any other "cost-based" mechanism. This approach does not direct water according to the community priority but distributes water to the use with the highest capacity to pay or to pass on water cost through its supply chain. It is considered that all allocation decisions should be made according to agreed "merit based" criteria. If "unallocated" water is identified, it should be treated as "environmental water" and left in the aquifer until a suitable (based on agreed criteria) use arises.

Recommendation

It is recommended that

1. Local communities should determine the merit criteria that guide the allocation of water through representation on the local advisory committee.
2. The geographic boundary of each "consumptive pool" should also be the trading boundary.
3. Any allocation process should include a mechanism to reserve water for future uses.
4. Unused allocation not be allocated by a cost based mechanism and instead be retained as "environmental water" in the aquifer until suitable uses arise.

4. Are there any other matters related to the position paper that you would like to comment on?

No there are no other matters related to this position paper.
2 January 2014

Policy Submissions - Water Reform
Policy and Innovation Directorate
Department of Water
PO Box K822
PERTH WA 6842

Dear Sir/Madam

Comment on 'Securing Western Australia's Water Future - a Position Paper'

I refer to your letter of 25 September 2013 regarding the above matter and wish to provide the following City of Wanneroo Administration comments on this Position Paper:

1. Over the past 12-18 months, the Department of Water and this City have been working together to develop a strategy to better integrate the planning of the urban growth corridor extending generally from Alkimos to Two Rocks, with the allocation of groundwater within that area. This City supports whatever water reforms are required to enable strategies like this to be effectively implemented – both within the City of Wanneroo and in other parts of the metropolitan area.

2. In the preparation of water allocation plans, water required for community needs, such as public open space irrigation, needs to be treated similarly to public water supply (i.e. it needs to be reserved in water allocation plans, and not subject to any allocation mechanisms which involve market or similar mechanisms).

3. The Position Paper proposes variations in the amount of groundwater permitted to be abstracted under licence, depending on how much water is available. This is intended to reflect seasonal variations and changes in climate over time. Although the current availability of water is such that it has required restrictions or limitations on use, it has also necessitated best practice and innovation in the interests of more efficient use of a limited resource. Providing the ability to vary the amount of water abstracted depending on seasonal availability should in no way permit water users to stray from best practice and revert to more wasteful behaviours and water uses. The rules that apply to this proposal should be well thought out, and the process clearly defined and subject to consultation in order to avoid this scenario.

4. Consideration needs to be given to how water allocation plans and related allocation mechanisms can be tied in with the suite of management plans involved in the Better Urban Water Management approach. (e.g. District and Local Water Management Strategies).
5. The proposal for greater transparency in all aspects of water management is strongly supported. However, it is noted that while existing Department of Water policies already advocate such transparency, in practice, it has sometimes been found wanting. For example, there is a lack of transparency around the current Gnangara Groundwater Allocation Plan, particularly in relation to proposals for reservation of water for public water supply, and the amount of water being reserved.

Please note that these comments are made by City Administration and have not been subject to formal consideration by Council.

Please contact Phil Thompson, Special Project Planner on 9405 5480 should you require any further information on any of the matters raised.

Yours sincerely

Pas Bracone

ACTING DIRECTOR PLANNING AND SUSTAINABILITY
30th December 2013

Policy submissions – Water Reform
Policy and Innovation Directorate
Department of Water
PO Box K822
Perth WA 6842

Dear Sir/Madam,

Submission on “Securing Western Australia’s water future Position paper – reforming water resource management”

The Warren Blackwood Alliance of Councils, (formerly the Warren Blackwood Strategic Alliance) is a not for profit organisation with members from the Shires of Manjimup, Bridgetown-Greenbushes and Nannup. It was formed in 2001 following the previous restructure of the Timber Industry to work as a collective body on issues affecting the Warren Blackwood area.

Water reform has been a contentious issue in this area for a considerable amount of time and whilst it is accepted changes need to be made, particularly in respect to the State Government implementing aspects of the National Water Initiative, the current position paper still does not adequately reflect or address the unique issues surrounding water use in our Region. The Alliance accepts that work on reform has been conducted over a lengthy period, but this alone reflects the difficult nature of the reform and the Alliance believes more time is needed to ensure the changes required are made in a careful and considered way. As the region contributes the greatest amount of irrigated agricultural produce in Western Australia, any changes that are going to adversely affect the way that water is managed and its impacts on operators...
needs to be more thoroughly investigated, particularly in respect to other imposts on local producers such as the continuing high Australian dollar, competition from increasing overseas products and potential mitigation of biosecurity issues surrounding the relaxation of imported products. The paper still fails to address this area’s unique agricultural situation and therefore needs greater attention and security for growers in the region. Previous suggestions through Members individual submissions have suggested the recognition of this area as a “region of state significance for food production” and the Alliance supports this proposal.

The aim of the reforms are to simplify processes, give more secure entitlements and improve investment into industry, but the proposed changes in respect to over allocated systems, consumptive pools, licensing and water access entitlements are not clearly articulated or defined in the position paper and do not adequately reflect the aims. The applicability of these changes to the way water is managed in this region is very unclear.

The Alliance supports the implementation of local advisory groups as a mechanism, but questions the ability of these groups to effectively influence decisions which are yet to be determined.

Two other areas of concern that directly affect our Members are the regulating of aquifer injection activities and the interception of water by plantations, neither of which have any details included in the position paper, making it impossible to ascertain the likely impact of changes to the management of these two activities.

The Alliance requests that considerable consideration is given to the proposed new legislation and that more details on the implementation of changes are detailed before the legislation is considered.

Yours faithfully,

Tony Dean
President
Comments on Securing Western Australia’s water future – Department of Water position paper- Reforming water resource management (September 2013)

Thank you for the opportunity to comment on the Department of Water position paper ”Securing Western Australia’s water future”.

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of all 140 Local Governments in Western Australia.

The Association provides an essential voice for 1,249 elected members and approximately 14,500 Local Government employees as well as over 2 million constituents of Local Governments in Western Australia.

This interim submission has been developed to meet the submission deadline. Accordingly, the State Council of WALGA reserves the right to amend, modify or retract this submission upon its consideration at its next meeting, to be held on March 5th 2014.

The Association has previously provided a submission to the Department’s Discussion Paper on Water Resources Management Options in January 2010, which highlighted a number of key issues relating to impacts on Local Government. The previous submission was endorsed at the April 2010 WALGA State Council meeting, as were the following policy principles:-

1. Public open space is fundamental to our lifestyle, wellbeing, mental and physical health;
2. Water for public open space should be secured in all water allocation plans through the exclusion from a consumptive pool framework;
3. Water for public open space should be excluded from any water trading regime;
4. Irrigation of public open space should be designed to increase water efficiency with continued investment from Local Government;
5. Water availability should be given a greater priority when planning for new development;
6. The State Government, in collaboration with all stakeholders, undertake an extensive review of public open space in Western Australia and commits to further investment in this area.

Specific comments to various aspects of the Discussion Paper are provided in the attached table, however the two primary areas of concern to Local Government are as follows:

**Water for environment and public benefit**

The provision of water for the environment and public benefit is a key theme of the NWI, which states that these uses should be protected from any trading or water sharing regime. By definition in the NWI, water for 'public benefit' encompasses water for recreation and amenity.

The Department's Discussion Paper acknowledged that water for the environment would be protected; however the Association requests that the Department outline and provide for more certainty for the protection of water for public benefit, with particular reference to the exemption of water for public open space.

A response to the Association's previous submission stated that: "Although the Minister would be required to identify and consider public benefits in the water allocation planning process, it is not possible to exclude all public benefits from the consumptive pool in all cases. Rather, a plan would determine which of the water objectives it would meet and would openly provide reasoning for this decision".

**Third party impacts – implications for the Local Government rate base**

The second primary concern of Local Governments is in relation to third party impacts of water trading on the Local Government rate base (revenue). In compliance with the NWI, the State Government is obliged to identify and manage any third party impacts of water trading. The Association had previously discussed the issue with the Valuer General's Office, the (then) Minister for Water and more recently with the Department of Local Government and Communities. Local Governments are concerned that any reduction in the Gross Rental Value of property due to the value of water being separated from land value could increase the rate burden on other ratepayers in order to recoup any rate revenue shortfall as a result of said unbundling.

Indeed both these concerns were also clearly identified by Marsden Jacob Associates in June 2006, in their discussion paper for the Department\(^1\) viz:-

*In addition to completion of statutory water plans, there are several important common issues on which a defined state-wide policy opposition will be required. These include:*
  * The provision and management of water for environmental and other public benefit purposes;*

\(^1\) *Water Entitlements, Water Plans and Trading for Western Australia (Marsden Jacob, June 2006, pp67-68)*
• The impact of water trading on the rating base for shires and councils.

To date, the Association and the sector have been given no certainty that the impacts will be negligible. The Association therefore requests the Department resource a separate study into the issue of impacts on the rate base of Local Government, that it be resourced and conducted by the Department, and in conjunction with the Valuer-General, the Department of Local Government and Communities, and WALGA.

The Association looks forward to your response to these key issues, in due course.

For enquiries please contact Mark Batty, Executive Manager – Environment and Waste, on telephone 9213 2078 or mbatty@walga.asn.au

Yours sincerely

Mark Batty
Executive Manager - Environment and Waste
### 3.1 Simplified licensing

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<td>3.1.1</td>
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| 3.1.2 License Trading and Transfer | A key principle of the National Water initiative is in relation to identify and quantify any third party impacts of the proposed reform of water rights, in this instance, in relation to land valuation.  

The State Government has been alerted to the potential impact on Local Government caused by the separation of land and water title under a trading regime. In compliance with the NWI, the State Government is obliged to identify and manage any third party impacts of water trading. The Association has previously discussed the issue with the Valuer General’s Office, the Minister for Water and more recently with the Department of Local Government and Communities. To date, the Association has been given no certainty that impacts will be negligible. The Association requests a separate study into this issue be conducted as has been demonstrated in the eastern states.  

The provision of water for the environment and public benefit is a key theme of the NWI and is protected from any trading or water sharing regime. The Discussion Paper has acknowledged that water for the environment will be protected; however the Association would like more certainty for the protection of water for public benefit. By definition in the NWI, this encompasses water for recreation (including public open space), and amenity.  

Local Government allocations for public open space, streetscapes and wetlands are clearly for the public good, and therefore should not be compromised by market forces, and be exempt from a defined consumptive pool. This position is endorsed by WALGA State Council in December 2009.  

Local Government groundwater licenses also require a water conservation plan to be prepared. Therefore the current allocations are known, and could simply be added to the environmental flow allocations to provide a comprehensive public benefit allocation that is determined by both the environmental flow portion, and the public benefit portion.  

Public open space strategies would provide a meaningful guide as to future open space requirements and therefore future allocation requirements.  

It is strongly recommended that the Department of Water, the Department of Local Government and Communities and the Valuer General produce a discussion paper that examines the potential implications of the separation of land and water on the rate base and revenue raising capacity of local government. |
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<td>3.13 License tenure</td>
<td>The Association supports allowing longer term tenures where the knowledge of water resources is robust. Flexibility should be built into the tenure review process, so that for example an interim review can occur at 20 years if the maximum tenure period is 40 years.</td>
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<td>3.2.1 Introduction of water access entitlements</td>
<td>It is not clear that water access entitlements are to replace water licences. Greater clarity is required. The Association contends that if water access entitlements replace licenses, that the entitlements for environmental and other public benefits in any statutory allocation plan, are exempt from the consumptive pool arrangements. The Association also notes the observation of Marsden Jacob of the potential to create more than one pool within an statutory allocation plan. This could provide one pool with first priority, highly reliable water, and a second with lower priority less reliable water. This approach may be advantageous in driving the private sector towards fit for purpose (recycled) water options.</td>
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<td>3.2.2 Consumptive pools</td>
<td>The consumptive pool approach is an appropriate market based mechanism to manage the commercial or private application of the resource. The public benefit principle should be coupled with the environmental flow requirements, enshrined as part of the statutory allocation plan process, and exempt from the consumptive pool arrangements.</td>
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<td>3.2.3 Water allocations</td>
<td>See comments re: 3.1.2 As local government license requirements already stipulate the maximum kl/ha/p.a. available, which broadly based on current turf management science is 7.6 kl/ha/p.a., is it proposed to permit increased rates of irrigation if the total allocation within a consumptive pool increases? This would appear to administratively cumbersome for the Department and Local Government. Is it envisaged that the license requirements transfer directly into water access entitlements?</td>
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<td>3.2.4 Accessing the water</td>
<td>In relation to greenfield development, there is a need to mandate through appropriate policy, legislation and or regulation, provisions, that works and site use approvals for water for POS (the 'entitlement share') be transferred from developers to the relevant local government, to ensure that the water required for the ongoing public benefit of POS can be maintained.</td>
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<td>3.3.1 Introduction of statutory allocation limits</td>
<td>The paper indicates that the Minister may allow entitlements to temporarily exceed the statutory allocation limit pool. These need to be defined in terms of length of time, particularly if the proponent is a government trading enterprise seeking to gain access to potable water. Any such determination should seek the views of the Environment Minister and/or the EPA.</td>
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### 3.3.2 Introduction of statutory allocation plans

It is appropriate that contingent limits are set for each allocation plan, and that the baseline for environmental and other public benefit allocations is determined at the outset for each plan, with the consumptive pool applicable to the available resource above that baseline. This ensures that the public benefit and environmental requirements are quarantined from the market based approach applicable to the available surplus resource.

### 3.3.3 Measurement including metering

The Association supports the use of meters to enable suitable accounting procedures and methodologies. However, questions the capacity and willingness of the state to adequately maintain measurement facilities for waterways, given the reduction in the hydrographic capacity of agencies such as DoW (and potentially DPAW, should it seeks to have a greater role in waterway management in the future).

Given the information from metering assists the State in managing the resource it is responsible for, then a cost sharing arrangement for the installation and reading of meters seems warranted. It is a shared responsibility. The Association also notes the approach being taken in N.S.W. in this regard.

Whilst metering is discussed in the context of abstraction, it should also be included as part of any managed aquifer recharge project. Currently there is no policy framework around this, which is a major inhibitor to local government investment in small to medium MAR schemes that seek to harvest urban runoff. A ‘water balance’ type approach is required if Local Government is to make significant investments in maximising efficiencies and enhancing security of the resource.

### 3.3.4 Local water advisory groups.

The creation of local water advisory groups is supported, however notes that the discussion paper is silent on the governance, funding model/sand availability of technical expertise from the Department.

### 3.3.5 Allocation mechanism for the release of unallocated water

The Association notes the process used in Victoria to create an environmental reserve. This should be considered in plans where there are high value receiving environments dependant on high volume minimum base flows.

### 3.3.6 Recovering over-allocated resources

The Association agrees that a process for returning over allocated systems to the allocation limit needs transparency. The specific methodology for recovering over allocated systems should recognise the non-competitive, non commercial nature of water for the environment and public benefit in this approach. Any methodology should seek to enhance recharging and prevent dilution of deep groundwater resources.

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The minister should consult with the respective local water advisory group/s when considering the pathway to lowering volumes as required to meet the statutory allocation limit.

Removing the impost on the taxpayer and transferring it to the ratepayer is nothing more than a cost shift. This is a further rationale to exempting local government from the consumptive pool, otherwise it is merely a proportional risk transfer to another level of government.

The paper suggests government make it explicit that provision is made for environmental water in water resource management, where appropriate. The Department needs to provide clear examples for where it would, or would not be ‘appropriate’ to protect the environment, as currently this consideration would not comply with the intent of the NWI, or community expectation that the policy is an exemplar of the requirement for integrated water cycle management or best practice approaches in catchment management.

A comprehensive analysis should include not only the significance of the resources ecological assets, but also on the receiving environments ecological assets also.

The precautionary principle should apply in relation to ‘what information is available about the resource and its water dependant environment’.

It is appropriate that environmental water and public benefit provisions will be outside of the allocation limit/consumptive pool.

More information is required here. Suggest examination of the framework used by the Victorian EPA in setting thresholds for particular catchments (e.g. Waters of Victoria; Waters of the Dandenong Valley; etc. etc.).

The Association strongly supports the requirement to be able to declare a drainage course anywhere in the state. This also needs to include natural and modified waterways.

The Association agrees that clarity is required on this issue. Currently there is no credit/debit/carry forward capacity in the licensing framework to encourage increasing water security. Until this issue is clarified, there will be reluctance for local government to invest in these outcomes via stormwater harvesting and/or localised MAR.