



Update II March 2004

Introduction

As foreshadowed in the earlier March update, the Water Corporation has been formally advised of the information required by the Water and Rivers Commission to allow assessment of the 45 GL/yr water licence application. The information request to the Corporation is primarily based on the matters that the Commission should consider, as prescribed in the *Rights in Water and Irrigation Act, 1914*, and at this time is in outline form. A more detailed specification of the information requirements is currently being finalised by the Commission and will be communicated to the Water Corporation and then made public.

This update provides an outline of the current request to the Water Corporation for further information. The Water Corporation has responded to the request and advised the Commission that it intends to proceed with the work program necessary to meet the Commission requirements. The work program will include further drilling in specific areas of concern in the region, and it is anticipated that this work will commence within weeks.

Decision-making process

The Water and Rivers Commission is required to assess a licence application with due regard to all matters it considers relevant and a number of these matters are listed in the *Rights in Water and Irrigation Act, 1914*. These matters have been scoped and form the basis of the information request to the Water Corporation. Specifically, the Corporation must provide information about whether, and the extent to which the proposed taking and use of water:

- a) *is in the public interest.*

To show this, the Water and Rivers Commission has requested the Corporation to provide information to demonstrate the net economic benefit/detriment, that the proposal may have the state, both directly and indirectly.

The Corporation is also required to demonstrate compliance with requirements of the *Aboriginal Heritage Act 1972*. This requirement means that the Corporation must ensure that aboriginal heritage sites have been identified and that aboriginal elders have been consulted in regard to any proposed wellfield layout..

- b) *is ecologically sustainable*

The Commission is of the opinion that further work is required to better understand the potential effects of pumping water from the aquifer on groundwater dependent ecosystems at the local level.

Areas of potential environmental concern have been identified as described in the recent March Update. In addition, the Corporation has been requested to consider any potential impacts on the Margaret River Pools, particularly if part of the proposed wellfield is located in the Busselton Capel Groundwater Area. The Corporation must demonstrate that the interim Environmental

¹ GDE's Groundwater dependent ecosystems

Water Provisions are 'unambiguously met' and if this is not possible then any proposal to amend these Provisions must be supported by a consideration of the relevant social and economic values. Within this, it has been emphasised that key ecological values must still be protected.

Further reading on Ecological Water Requirements and Environmental Water Provisions is found in *Statewide Policy No 5: Environmental Water Provisions for Western Australia 2000*.

c) is environmentally acceptable

This aspect is being managed in partnership with the Environmental Protection Authority (EPA). The EPA will continue to work with the Commission as the investigation progresses and will provide public comment on the environmental acceptability of any proposed decision to issue a licence.

d) may prejudice other current and future needs for water

The *State Water Strategy for Western Australia* requires that reasonable regional needs should be provided for before water can be exported from a region. The Corporation has been requested to demonstrate that the reasonable needs of the south west region can be met, based on demands identified by the recent economics study.

e) may have detrimental effect on another person

There are a number of groundwater users throughout the Blackwood, Busselton Capel and Bunbury Groundwater Areas. An important component of the licence consideration is that the Corporation can show that its proposed abstraction will not result in unacceptable adverse impacts on other groundwater users.

f) could be provided by another source

The *State Water Strategy* lists a range of possible water sources. As part of its licence application, the Corporation must justify its proposed use of the Yarragadee source in terms of the need for water, and in particular on actions being taken to reduce water demands.

In addition, the Corporation will be required to provide indicative costings of the project and demonstrate its capacity to pay for and undertake the necessary activities.

g) is consistent with land use planning instruments; the requirements and policies of other government agencies or any inter-governmental agreement or arrangement.

In the case of the Water Corporation's proposal, several planning issues are significant. These are consistency with: CALM plans; the *State Water Strategy*; and the COAG Water Reform Agreement.

Management arrangements

The Water and Rivers Commission and the Water Corporation will be clarifying the details of their respective roles and responsibilities in relation to the licence assessment and undertaking the work required to be considered in that assessment. This will be particularly important to see this project through to a decision and to ensure that the transparency that has characterised this project to date, is maintained.

² EPA –Environmental Protection Authority

What to expect next

The Water and Rivers Commission Board will meet on March 26th and review the more detailed investigation requirements to be communicated to the Water Corporation. These are based on the information described above. This information will then be made public after the Water Corporation has been advised.

What can you do?

The information presented above provides an important benchmark against which you, members of the community, can assess the information to be presented in this new phase of investigation.