



Government of **Western Australia**
Department of **Water**

La Grange

groundwater allocation plan

Statement of response

Looking after all our water needs

January 2010

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Department of Water

December 2009

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Contents

Contents	i
La Grange: Statement of response.....	1
Introduction.....	1
Comments received and the department's responses.....	1
Where to next?	10
Further information	10

Tables

Table 1	Interest areas of respondents and the number of responses	1
Table 2	General comments and questions received on the draft plan	2
Table 3	Specific questions raised by respondents	8

La Grange: Statement of response

This statement provides the Department of Water's response to the comments, issues and questions raised in submissions on the La Grange subareas water allocation plan.

Introduction

The draft plan was open for a 12 week public comment period from 22 September 2008 to 15 December 2008. During the public comment we sent out forty copies of the draft plan to stakeholders who had been involved in the planning process. Copies were available to the public from our Perth and Kununurra offices, the Broome public library and public at meetings. The draft plan was also available from our website.

An invitation to comment was also advertised on four occasions in local and state newspapers over the 12 week comment period.

A total of 12 submissions were received during the comment period from a range of interest groups (Table 1). Records of public and stakeholder meetings were accepted as formal submissions. All of the comments from the submissions were considered in finalising the La Grange subareas groundwater management plan. This statement summarises our responses to those comments.

Table 1 Interest areas of respondents and the number of responses

Interest group	Number of Responses
Agriculture and irrigation	3
Environment/conservation	1
Individual	1
Indigenous/Native Title	4
Other State Government	2
Other	1

It is important to note that respondents representing a specific interest group may also have commented on other areas of interest .

Comments received and the department's responses

The following tables summarise and group the main issues raised in submissions and how we have responded to them. Our responses to comments begin with the department's position of agree, partly agree, disagree or noting, which is usually followed by a detailed response. Some responses include reference to the final plan.

Table 2 General comments and questions received on the draft plan

Comment	Department of Water response
Allocation limits	
<p>5 respondents raised issues regarding the setting of allocation limits including:</p> <p>i) The department should not set an allocation limit at all. The setting of an allocation limit effectively releases 50GL of water for consumptive use and this puts the environment and cultural values at a high risk of impact.</p> <p>ii) The allocation limit is too low considering that recharge is much higher than 50GL</p>	<p>i) We disagree, an allocation limit is the tool we use to limit the amount of water that can be taken from a groundwater or surface water system. It is not a release of water but a volume of water we consider can be sustainably taken from the resource, and when used with the management policies detailed in the plan, it provides protection to the environmental and cultural values in the area. See Appendix C.</p> <p>ii) We disagree, as detailed in Appendix C of the plan, rainfall recharge to the groundwater is considered in setting the allocation limit. However, recharge alone does not provide an accurate estimate of how much water can safely be taken from the groundwater system. Provision must be made to maintain the saltwater interface and environmental and cultural values at both a sub regional and local scale.</p> <p>Further to this, the rationale for setting the 50GL allocation limit is explained more fully in an revised appendix C of the plan.</p>
<p>Cost of hydrogeological investigations</p> <p>One respondent commented on the costs of conducting hydrogeological work associated with a licence application and asked that we consider compensating applicants for part or all of the cost of investigation work particularly where this information is made available to other applicants or used by the DoW.</p>	<p>We agree that hydrogeological investigations can be costly. However, it is the applicants responsibility to demonstrate that water is available at the proposed abstraction location and that local scale impacts on the environmental and cultural values will be acceptable. This may involve hydrogeological or other research. Information generated by applicants may be used to improve the understanding of water resources and allow management to be refined or improved.</p> <p>In addition we assist prospective applicants by providing relevant water information where it is available.</p>
<p>Social and economic benefits of water use</p> <p>One respondent suggested the plan should recognise the social and economic benefits of sustainable water use.</p>	<p>We agree, principles 3 and 5 in Chapter 2 explicitly recognise the importance of social and economic uses for water.</p>

Comment	Department of Water response
<p>DoW management practice and actions</p> <p>Six respondents raised issues with the way DoW conducts water management and the management actions committed to in the plan.</p> <p>i) The DoW should not rely solely on applicants and licensees for hydrogeological information and should schedule a monitoring and drilling program for the plan area.</p> <p>ii) Management actions detailed in the plan triggered by water use thresholds should be completed prior to plan finalisation or shortly after.</p> <p>iii) The department committed to undertake a number of actions relating to the WAI proposal and these should still be carried out.</p> <p>iv) The trigger for a H2 level of assessment (Statewide Policy 19) is too low and will impose an undue burden on applicants especially considering the conservative allocation limit and the establishment of management zones.</p> <p>v) No upper limit to the size of any one licence has been set.</p>	<p>i) We partly agree with this comment. Management action 6 in the plan commits us to assess the need for a regional monitoring program if licensed entitlements reach 50% of the allocation limit. In the interim, we have set a precautionary allocation limit and established management zones to important environmental and cultural values.</p> <p>ii) The staged approach to management actions detailed in the plan is designed to ensure that the level of management is commensurate with the level of use. We prioritise management actions across the State's allocation plan areas in line with this principle.</p> <p>iii) We disagree with this comment. The WAI proposal included a draw of 200GL from the Broome Sandstone aquifer. A draw of such magnitude requires a more comprehensive and robust management framework than the maximum abstraction of 50 GL allowable in the plan. The actions detailed in the plan are therefore designed to manage the abstraction of water resources up to this 50GL limit.</p> <p>iv) Statewide policy 19 is applicable to all applications received by us across the State and ensures that all applicants are treated equally and assessed using consistent criteria. The management zones will increase the likelihood of an applicant needing to conduct a H2 assessment, however the zones have been established to protect important groundwater water dependent environmental, social and cultural values.</p> <p>v) We confirm that we have not set a limit on the size of any one licence in this plan. We do not consider that setting a limit on the size of any one entitlement will result in a better water resource management outcome in terms of water dependent environmental, cultural and social values. In addition setting a limit on the size of any one entitlement can be seen as interfering in the normal development of industry without producing a water resource management benefit. The potential impacts of large licences will be managed through the licence assessment process.</p>

Comment	Department of Water response
<p>Management boundaries</p> <p>One respondent commented that subarea and management area boundaries should be aligned to hydrogeological and environmental boundaries rather than cadastral features such as highways.</p>	<p>The DoW agrees with this comment and has reviewed of the boundary to better reflect hydrogeological conditions and to ensure that the costal management zone provides adequate protection to the salt water interface.</p>
<p>Licensing process</p> <p>Two respondents made comment regarding the process we use to assess licence applications.</p> <p>i) All licensees should be treated consistently across the plan area.</p> <p>ii) The licence assessment process is often lengthy and costly.</p>	<p>We partly agree with this comment, all applications will be treated consistently in accordance with the plan. All applications falling within a management zone will be treated consistently with one another while being subject to different rules to applications outside a management zone. The management zone have been established to protect specific water dependent values.</p> <p>We acknowledge that the licence assessment process can be lengthy and that applicants can incur significant costs in producing the information needed to support a licence application. However the licence assessment process is designed to ensure that proposed water abstraction and use will be sustainable and will not have undue impacts on water-dependent environmental, cultural and social values. The most common cause of delay in licence assessments is applicant's supplying inadequate or incomplete information to support their applications. To minimise the cost and time needed to complete a licence assessment, applicants should consult with us early in the process of considering a development.</p>
<p>Environmental protection and management</p> <p>Three respondents made comments regarding the protection and management of environmental values.</p> <p>i) The plan must provide for adequate protection for important water-dependent ecological and cultural sites.</p>	<p>i) We agree with this comment. The plan makes adequate provision for the protection of environmental and cultural values through the setting of an allocation limit that is precautionary (See Appendix C) and the establishment of management zones to protect key water dependent values along the coast and the Mandora Marsh.</p>

Comment	Department of Water response
<p>ii) It is important that studies of environmental and cultural water requirements are balanced against general hydrogeological investigations.</p> <p>iii) The DoW should conduct appropriate environmental studies work to avoid duplication of studies by applicants.</p> <p>iv) The environmental value of the Mandora Marsh is significant and needs to be protected.</p>	<p>ii) We agree. Hydrogeological, environmental, social and cultural factors are considered in allocation planning to ensure that water resources are managed sustainably. Hydrogeological, environmental and cultural investigation informed the development of the La Grange groundwater allocation plan. Social values will be researched and considered in future plans as per management action 4 on page 28 of the plan.</p> <p>iii) We partly agree, we have conducted sufficient environmental surveys given the conservative allocation limit and we provide applicants with publicly available information and/or utilise existing information (such as environmental studies) to supplement assessment of an application. In addition action 2 on page 38 of the plan commits the department to identifying any further environmental studies that may be needed to review the plan.</p> <p>iv) We agree and have introduced the Mandora Marsh management zone to protect the marsh system (See Table 5). We have also strengthened our management rules in response to this concern.</p>
<p>Future town supply</p> <p>One respondent commented that consideration should be given to potential increased use by communities such as Bidyadanga</p>	<p>The water used for community water supply has been taken into account in setting the allocation limit. Changes in water use in communities will be considered in any future review of the plan.</p>
<p>Minimum scale for horticultural development</p> <p>One respondent expressed the view that 5 GL is a minimum scale for viable horticulture projects.</p>	<p>We note this comment and that the department is able to consider applications of this size subject to the normal licence assessment process.</p>
<p>Hydrogeological understanding of the plan area</p> <p>Four respondents made comments regarding the level of hydrogeological knowledge of the plan area and ways of improving this knowledge.</p> <p>i) Conducting a survey of existing bores, including pump tests, would be a preferable</p>	<p>i) We agree with this comment. However the analysis of any available bore logs would provide information regarding the structure of the aquifer that is difficult to</p>

Comment	Department of Water response
<p>means of improving hydrogeological understanding than attempting to collect bore logs as these are not likely to exist.</p> <p>ii) DoW should make all hydrogeological information publicly available to assist applicants and the community to understand the water resource and its dependent values.</p> <p>iii) DoW Statewide policies are not always appropriate for the La Grange subareas, predominantly due to the remoteness of the area and low level of current water use.</p> <p>iv) The DoW should immediately conduct a regional hydrogeological investigation to provide more complete information about the water resource. This would reduce the burden on applicants and provide more certainty that the environmental and cultural values of the area was adequately protected.</p>	<p>produce from pump tests of existing bores. Therefore reviewing any bore logs that may exist would be helpful.</p> <p>ii) We partly agree with this comment. However some hydrogeological information provided by applicants in support of applications can be of a commercially sensitive nature and therefore not available for general release. However, all information available to us is used to produce hydrogeological summaries and reports which are publicly available.</p> <p>iii) We disagree with this comment. Statewide policies have been designed to be applied across the State and, with regional input, are sufficiently flexible to address local issues.</p> <p>iv) We disagree. A comprehensive regional drilling and monitoring program is not warranted at this time. Management action 6 of the plan commits us to assessing the need for a regional monitoring program if licensed entitlements reach 50% of the allocation limit. Our capacity to implement a regional monitoring program will be dependent on the availability of resources.</p>
<p>Metering</p> <p>One respondent commented that the plan does not mention any metering requirements for licences.</p>	<p>Metering managed in accordance with the department's Strategic Policy 5.03 – Metering the taking of water.</p>
<p>Native Title</p> <p>4 respondents made comments relating to Native Title rights.</p> <p>i) The rights of Native Title holders and claimants must be recognised as an important part of water management</p> <p>ii) Native Title holders and claimants find it difficult to consider water licence</p>	<p>We agree with this comment. Principle 4 and objective 4 of the plan specifically relate to this issue and state that aboriginal connection to water will be recognised and that the licence assessment process will include consideration of indigenous interests.</p> <p>We agree and have a formal process for engaging with native title holders and claimants as detailed in policy number 16 on page 29 of the plan.</p>

Comment	Department of Water response
<p>applications in the statutory time frames and would like to see a more formal protocol for engaging Native Title holders and claimants in licence applications.</p> <p>iii) All stakeholders should have equal input to the management plan.</p>	<p>We agree with this comment. To ensure that all stakeholders have had an opportunity to be involved we have held meeting with stakeholder groups, and we have produced an indigenous language DVD and made presentations in indigenous communities to provide indigenous stakeholders with equal opportunity to engage with the allocation planning process.</p> <p>Publishing a draft plan and inviting public comment is intended to give all stakeholders the opportunity to contribute to future management of La Grange water resources.</p>
<p>Future water management legislation</p> <p>One respondent commented that finalisation of the plan should be delayed until there is greater clarity over potential new water management legislation.</p>	<p>We disagree with this comment. The plan is intended to update and improve the current management of groundwater in La Grange. Future revisions of the plan will consider any new legislation as necessary.</p>
<p>Scope of DoW responsibility</p> <p>One respondent commented that DoW should not consider issues relating to weeds in its licence assessment as this is out of the scope of the Department's responsibilities.</p>	<p>We partly agree with this comment however, a part of the licence assessment process is to seek input from other regulatory agencies where appropriate. This input allows for the Department to incorporate other agencies assessment relating to issues such as clearing of vegetation, proposed crop type, and any potential environmental impact from the proposed development.</p>
<p>Subarea boundary and water trading</p> <p>One respondent queried the reasons for dividing the plan area into two subareas and commented on the impact this would have on potential water trading.</p>	<p>As stated in appendix C, the purpose of dividing the plan area into two subareas was to ensure that water use was spread over the plan area to avoid the potentially negative impacts of a highly concentrated abstraction. Trading is only introduced when a subarea approaches full allocation.</p>
<p>Reservation of water for indigenous commercial access.</p> <p>Several respondents requested that a portion of the allocation</p>	<p>We recognise that indigenous access to water is a important issue. The department is working to define</p>

Comment	Department of Water response
limit should be set aside for indigenous commercial use.	pathways for indigenous access to water for both commercial and non-commercial purposes. Mechanisms for setting aside water will be examined as part of this project.

Table 3 Specific questions raised by respondents

Question	Department of Water response
Community consultation What formal community consultation/engagement structures will be established for the La Grange Subareas?	In our view formal community engagement structures such as management committees are best used in highly utilised systems. The need for a committee will be considered if use increases significantly or if very large or complex proposals are received.
Climate change It is not clear how the impact of climate change has been accounted for. What provisions or study will be undertaken to account for climate change and how will this be interpreted in setting the allocation limits?	The impact of climate change on the water resources of the La Grange Subareas has been accounted for in the conservative estimate of recharge and low risk derivation of the allocation limit. The impact of climate change will be considered in future plans through the use of updated rainfall data and climate projections.
Water availability updates Will regular updates for available water be made public to allow applicants to identify the current status of the resources?	We have committed to publish evaluation statements three times over the life of the plan. These will include updated water availability information. Water availability information can also be obtained from the local Department of Water office or the head office in Perth.
Licensing process Are applications prioritised on the first in first served basis or is a new prioritisation process in place that applicants should be aware of?	Current legislation allows for allocation of water on a first in first served basis.
Does the department have target timelines for processing applications? Can these be made publicly available?	There is currently no statutory timeline on processing a licence. We work to assess applications within appropriate times with the given resources. The timeline for assessment depends largely on the scale and complexity of the proposed development, referral and response times for other agencies and the timely submission of requested additional information by the applicant.
Could a flow chart be developed to explain the licensing process and help	Process maps for the licence assessment and related process can be found on the Department for State Development website. Prospective applicants are

applicants to track the progression of an application?	encouraged to discuss their project with our regional office.
<p>Native Title</p> <p>Why does the department consider native title in conjunction with water resource development proposals?</p>	<p>DoW considers native title in licence assessment for two reasons. Firstly all licence applicants must demonstrate valid legal access to the proposed bore location and therefore comply with the <i>Native Title Act 1993</i> with respect to relevant land tenure. Additionally section 25DH (2) <i>Native Title Act 1993</i> obligates the department to give native tile holders/claimants an opportunity to comment on the issue of a licence, within their determination or claim area. Policy 17 on page 24 of the plan provides detail on we manage the comment process.</p>
<p>Management triggers</p> <p>How will the public know when the management triggers specified in Table 6 are reached?</p>	<p>We have committed to publish evaluation statements three times over the life of the plan. These will include updated water availability information. Water availability information can also be obtained from the department's regional office or the head office in Perth.</p>
<p>Stygofauna</p> <p>Is there any further knowledge since WRC (1999: p5) regarding the existence and extent of stygofauna in the La Grange aquifers and the potential for impacts from groundwater drawdown?</p>	<p>The Department of Environment and Conservation is responsible for managing stygofauna in the La Grange area.</p>
<p>Costs of water use</p> <p>What are the costs involved in using the water?</p>	<p>Currently we do not charge a fee for holding a water licence or a management fee.</p>
<p>Conservation</p> <p>Will the portions of pastoral leases being converted to conservation estate be fenced to prevent impact from cattle grazing?</p> <p>Will the parts of the Mandora Marsh and Salt Creek areas that lie outside the plan area receive the same protection detailed in the plan?</p>	<p>The Department of Environment and Conservation is responsible for managing the conservation estate, please contact their regional office for information on their management plans.</p> <p>Yes, the Mandora Marsh management zone boundary has been extended to cover the entire marsh system.</p>
<p>Monitoring</p> <p>What resources would be required to monitor the groundwater resource?</p>	<p>The resources needed to monitor the resource on a regional scale will vary depending on the scale and intensity of the monitoring programme. The cost of</p>

	drilling bores can also vary according to economic conditions.
<p>Future water use</p> <p>What does the DoW expect the 45GI available in the plan area to be used for?</p>	<p>We have not produced an estimate of future water use in the plan area. It appears likely that the current water uses such as horticulture, pasture production and tourism will continue to expand.</p>

Where to next?

These responses have been incorporated into the final La Grange subareas ground water management plan. The plan is available from our website (www.water.wa.gov.au/allocationplanning). It provides information on how the groundwater resources are managed by us through licensing, assessment, policy and reporting.

Further information

For licensing information, please contact the Kimberley Regional office in Kununurra. Phone 08 9166 4100.

For planning information, please contact our Water Allocation Planning branch. Phone 08 6364 7600 or email allocationplanning@water.wa.gov.au



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