

Branch Manager
Water Allocation Planning
Locked Bag 10
JOONDALUP DC WA 6919

Our Ref: DWERT4935
Enquiries: Shaun Meredith, 6364 6538
Email: shaun.meredith@dwer.wa.gov.au

Dear Mr Drew

ENVIRONMENTAL PROTECTION AUTHORITY SUBMISSION ON THE DISCUSSION PAPER FOR STAKEHOLDER CONSULTATION ON MANAGING WATER IN THE FITZROY RIVER CATCHMENT

Background

The Environmental Protection Authority (EPA) welcomes the Department of Water and Environmental Regulation's discussion paper on Managing Water in the Fitzroy River Catchment. Proposals involving off-stream water storage, taking groundwater and taking surface water may require assessment by the EPA. The EPA's assessment takes into consideration the EPA's Environmental Factor Guideline – Inland Waters <https://www.epa.wa.gov.au/policies-guidance/environmental-factor-guideline-inland-waters>. Other EPA factors relevant to considering proposals in the Fitzroy River catchment include social surroundings and subterranean fauna. It is within this context that the EPA provides the following comments.

The EPA is supportive of forward planning and the provision of clarity on the acceptability to government of various water abstraction activities and volumes in the Fitzroy River catchment. Specifically, the EPA acknowledges the importance of planning and strategic policy to inform water licensing as a key mechanism for managing water abstraction and mitigating impacts (including cumulative impacts). Such planning and policy is an important consideration for the EPA as it assesses proposals and environmental management plans, and when recommending ministerial conditions.

The EPA is currently implementing an amendment to the *Environmental Protection Act 1986* (EP Act) that enables the EPA to take into account other statutory decision-making processes that can mitigate the potential impacts of a proposal on the environment. This may reduce regulatory duplication, and there may be value in ensuring the environmental principles set out in Section 4A of the EP Act and the EPA's factor guidance are explicitly considered when finalising and implementing the proposed 'approaches' to managing water in the Fitzroy River catchment. In particular this would involve having regard to the EPA's Environmental Factor Guideline for Inland Waters which has the objective "To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected".

Detailed advice on proposed 'approaches'

The discussion paper makes clear the State Government's position on damming of the Fitzroy River and its tributaries (Approach 4 and 5), and permitted water extraction activities in the Fitzroy River catchment (Approach 6 to 11). The proposed approaches,

particularly the 'river protection rules' will provide clarity to proponents, are easy to follow, and will likely be useful in EIA and for recommending appropriate approval conditions. The EPA will take this information into consideration alongside any water allocation plan or other recommendations resulting from this process when assessing proposals within the Fitzroy River catchment area.

The EPA is supportive in principle of the proposed staged approach to water allocation planning and associated monitoring framework (Approach 2, 9, 10 and 11) but recognises difficulties in implementing such an approach would need to be addressed, particularly with regard to the separation and attribution of cumulative impact causes, and time lags between impacts and measurement of those impacts. The EPA looks forward to receiving further information on the staged approach and associated monitoring as the water allocation plan progresses.

The EPA is very supportive of best practice engagement with traditional owners and the establishment of a Fitzroy advisory group (Approach 1 and 14). The environmental, cultural and heritage values of the area are well recognised and highlighted by its National Heritage Listing. Stakeholder consultation is essential for identifying and protecting the values of the area, and ensuring the success of water management in the area.

The EPA also welcomes the approach to explicitly avoid development in areas with environmental or cultural values (Approach 15). This is consistent with the application of the mitigation hierarchy.

The EPA looks forward to better alignment of water licensing and allocation with State and Commonwealth environmental and heritage regulatory approvals (Approach 16). The EPA notes that the Western Australian government is currently negotiating a bilateral agreement with the Commonwealth and that the water trigger has been an ongoing issue during these negotiations.

A key action from the EPA's strategic plan 2019-2022 is to champion the capture, curation, and public availability of environmental data. In line with this, The EPA also suggests including a further approach that establishes how data will be managed to ensure water allocation and monitoring data is available to define and assess proposals, ensure compliance and undertake adaptive management.

The EPA would welcome further discussion on the selection and implementation of the chosen approaches as the project is implemented.

Yours sincerely



Matthew Tonts
CHAIR

28 May 2021