

Western Australia's Water Reform - South West regional water plan

In 2007, Western Australia's Department of Water (**Department**) developed WA's Implementation Plan for the National Water Initiative (**NWI**) to describe how the National Water Reform Agenda, as set out in the *Intergovernmental Agreement on a National Water Initiative*, is to be applied in Western Australia and to set out the key timeframes for its delivery.

It is proposed that the State's water legislation be amended in the following manner, so the water reform measures outlined in the NWI may be implemented fully:

1. a new Water Resources Management Bill that proposes to provide an approach to water management; and
2. a new Water Services Bill which will seek to consolidate regulatory arrangements for the construction and operation of works associated with water services.

The passage of this new legislation, currently scheduled for 2011-2012, is intended to support the water management requirements of the Department and to enable the development of new statutory water allocation plans, water access entitlements, increase metering and monitoring of water extraction and increase the opportunity for water trading.

In addition, the Department published the first of nine regional water plans in May 2010 which it intends to implement as part of this strategy, namely the South West Regional Water Plan 2010-2030 (**SW Plan**).

Summary of SW Plan

The SW Plan introduces seven water resource management themes that are proposed to cover major issues facing the south west region.

1. **Understanding water resources**
A whole-of-water-cycle understanding is developed for the region's water resources based on best available science and information, to enable sound management decision making for sustainable water resource use and management.

2. **Enhance the security for water resources for the environment**
Certainty and clarity is provided for water users and environmental managers about water entitlements, responsibilities and water availability, providing greater scope for business planning and management activities.
3. **Manage water resource, health and values**
The region's water resources are healthy and support their broad diversity of environmental, social and cultural values.
4. **Facilitate water sensitive regional development**
Across government, industry and the community, there is an acceptance that management of resources is fundamental to regional development within the context of a sustainable water future, and means living within our means and doing more with less.
5. **Provide integrated water services for urban communities**
Government and water utilities provide an integrated approach to water service management and delivery for viable and healthy communities.
6. **Use water efficiently**
Government, industry and community share an innovative approach to meeting the region's growing demand for water, introducing new practices and standards to ensure the efficient use of resources water re-use.
7. **Involve the community for effective management of regional water resources**
A recognition that the open exchange of information and knowledge and working in partnership with stakeholders and the wider community, leads to best water resource management practice.

The SW Plan proposes to outline the Department's strategic actions to support the objectives stated above and it is intended that these actions are focused on where the significant gains might come in during the first five years.

To that end, the SW Plan proposes a number of short, medium and long term actions, some of which, if implemented, may impact on the urban and other development industries in the South West, including the following:

- Action 2.1.3 Review existing water allocation plans to include water reform and strengthen the statutory basis of water allocation plans for priority water resources;
- Action 2.4.2 Establish licence conditions which demonstrate water-use efficiency practices and which protect the environment;
- Action 3.3.2 Undertake annual water-use and compliance surveys in fully allocated aquifers to proactively manage resources in high risk areas (which may entail the reallocation of under utilised water allocations);
- Action 4.1.4 Promote the introduction of less water-dependent industries, practices and infrastructure through statutory processes and by encouraging industry-based research and development;
- Action 4.2.2 Work with the urban development industry to identify best-management practices in relation to new developments;
- Action 4.2.3 Require proponents of land planning proposals to submit water sensitive urban design elements as part of their water management strategies/plans required by *Better urban water management* (WAPC 2008); and
- Action 4.3.1 Establish working partnerships with the Department of Planning to integrate land use planning and water resource management.

Each of the actions outlined above indicates the requirement for further and more detailed assessment of water allocations (including compliance), the integration of land use planning and water allocations, and the implementation of additional measures in order to encourage a more sustainable approach to water allocation. The cost implications that are likely to arise from these actions will be borne by the developer and for that reason it is important for all stakeholders in the South West to be involved in the preparation and implementation of the SW Plan now and in the future.

Lavan Comment

In our view, Action 4.3.1 is most significant to the development industry as the current regulatory approvals process requires (in most cases) that the proponent obtains both a land use planning approval and a water use approval (water allocation license). It is important that due consideration be given to the proposed integration of land use planning and water use allocation, and that your views and concerns are taken into account in the preparation of forthcoming policy and legislative reform.

If you have any queries about the impact of the Department's South West Regional Water Plan, or queries about future regional planning in other regions of Western Australia please contact Clare Gleeson, Solicitor, on (08) 9288 6782 or clare.gleeson@lavanlegal.com.au or Craig Wallace, Senior Associate, on (08) 9288 6828 or craig.wallace@lavanlegal.com.au.

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