



MINISTER FOR ENVIRONMENT; WATER

Our Ref: 42-06521

Mr Michael Baker
Clerk Assistant (Committees)
Legislative Council
Parliament House
PERTH WA 6000



Dear Mr Baker

Standing Committee on Public Administration Report 11 - *Recreation activities within public drinking water source areas*

I am pleased to provide the State Government's response to the recommendations of the Standing Committee on Public Administration's Report 11 – *Recreation activities within public drinking water source areas*.

The recommendations and findings of this report will help guide recreation and drinking water source protection legislation and policy for many years. The report:

- reinforces the findings of two previous Parliamentary Committee reports (1994 and 2000), which identified that public drinking water source areas need special protection measures; and
- identifies that new or enhanced recreation opportunities across a range of catchment types will provide better physical and mental health outcomes for the community, as well as more engagement with nature.

Government recognises that a growing demand for recreation will require additional resourcing. This matter will be considered for Government in 2011 through the existing inter-agency collaborative working group comprising the departments of Sport and Recreation, Environment and Conservation, Health, Water and Water Corporation.

In relation to the State's drinking water source protection program, implementation of the Standing Committee's recommendations will help ensure the ongoing availability of a reliable, safe and lower cost water supply to consumers and communities across WA.

I take this opportunity to thank the Standing Committee on Public Administration for its report on these important matters.

Yours sincerely

**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**

LEGISLATIVE COUNCIL OF WA

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Government's response to the Legislative Council Standing Committee on Public Administration Report 11 - *Recreation activities within public drinking water source areas.*

Recommendation one:

The Committee recommends no increase in the amount of current recreational activity in the outer catchments of public drinking water source areas.

Government response:

Recommendation 1 is noted.

This recommendation will be considered in a planned review of the Department of Water's Statewide Policy 13 – *Policy and guidelines for recreation within public drinking water source areas on Crown land 2003*. The Department of Water will publicly review this policy in 2011.

The demand for recreation opportunities in natural areas will continue to increase into the future and new types of recreation will also arise. These matters will be considered as part of the review process for Policy 13, and as part of the inter-agency collaborative working group's (see Recommendation 3) consideration of recreation matters.

Recommendation two:

The Committee recommends that the public drinking water source areas identified by the interagency collaborative partnership described in paragraph 4.37 as appropriate for de-proclamation as public drinking water source areas, be used for irrigation and recreation.

The Committee further recommends that recreational activity be managed by a working group for each such area comprising representatives as appropriate from the Department of Water, Department of Environment and Conservation, Department of Sport and Recreation, Department of Health, the Water Corporation, Tourism WA and the relevant local government authority.

Government response:

Recommendation 2 is supported.

The inter-agency collaborative working group described in paragraph 4.37 of the Standing Committee's report consists of representatives from Department of Sport and Recreation, Department of Environment and Conservation, Department of Water, Department of Health and Water Corporation.

Eleven PDWSAs will be investigated for de-proclamation. These are Bickley Brook Catchment Area (CA), Gooralong Brook Water Reserve (WR), Dirk Brook WR,

Boddington Dam CA, Murray River WR, Bancell Brook CA, Harvey Dam CA, Brunswick CA, Wellington Dam CA, Mullalyup WR and Padbury Reservoir CA. These catchments can support a range of different land and water based recreation opportunities.

Government has already completed a preliminary assessment of these PDWSAs. It is expected that most of them could be deproclaimed within the next 2 years. However, Padbury and Mullalyup are currently used as emergency sources and are expected to be de-proclaimed post-2016. De-proclamation of Wellington Dam Catchment Area is also subject to Government decisions on the management of water resources in the Collie area. A staged de-proclamation process is therefore required to allow for efficient water supply and recreational planning to occur.

In de-proclaimed PDWSAs, the areas will continue to be managed in accordance with the underlying tenure of land whether it be private land, shire reserve, State forest or conservation reserve. Since tenure of the proposed de-proclaimed areas is mixed, the areas may be managed by many different individuals and organisations. As such the establishment of a working group for each de-proclaimed area would be difficult. Accordingly, establishment of working groups will be addressed on a case by case basis. Representatives from Tourism WA and the relevant local government authority will be incorporated into area based working groups as appropriate.

It should be noted that it will be important to achieve a balance of recreational opportunities. Different opportunities will be made available in appropriate locations across a region; however, it will not be possible to provide all recreational opportunities at all locations. It is also important to note that other constraints may exist (e.g. mining and plantations) to recreation use. These constraints will also be considered by the inter-agency working group.

Recommendation three:

The Committee recommends the continuation of the collaborative approach between the Department of Water, Department of Environment and Conservation, Department of Sport and Recreation, Department of Health and the Water Corporation towards identifying appropriate dams and their catchments compatible for irrigation and recreational purposes. The Committee anticipates that this would increase recreational opportunities for the people of Western Australia.

Government response:

Recommendation 3 is supported.

The inter-agency collaborative working group will continue to work towards developing a coordinated and regional approach to maximise both recreational opportunities and the protection of public drinking water source areas.

The development of a recreation planning framework and methodology is being considered to help achieve this outcome. This work would be facilitated by the Department of Sport and Recreation.

Recommendation four:

The Committee recommends that the penalties in by-law 31.4 of the Metropolitan Water Supply, Sewerage and Drainage By-laws 1981 be increased to a level comparable to the \$5,000 penalty found in the *Local Government Act 1995*. This recommendation reflects the seriousness of the offences contained in by-law 31.4.

Recommendation five:

The Committee recommends an amendment to the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* to provide for an infringement notice system and modified penalties of \$500 to apply to the Metropolitan Water Supply, Sewerage and Drainage By-laws 1981.

Recommendation six:

The Committee recommends that the penalties in the Country Areas Water Supply By-laws 1957 be increased to a level comparable to the \$5,000 penalty found in the *Local Government Act 1995*. This recommendation reflects the seriousness of the offences contained in the By-laws

Recommendation seven:

The Committee recommends an amendment to the *Country Areas Water Supply Act 1947* to provide for an infringement notice system and modified penalties of \$500 to apply to the Country Areas Water Supply By-laws 1957.

Government response:

Recommendations 4, 5, 6 and 7 are supported.

Water reform, and in particular new water legislation is a current Government priority. The amendments suggested in these recommendations will be considered in proposed new legislation. Additional consideration on the type and amount of penalties will need to occur during the drafting process.

If investigations show that specific changes to by-laws need to be made prior to the proposed water resource management legislation being progressed, government will consider amending existing legislation as an interim measure.

Recommendation eight:

The Committee recommends that the 1994 Agreement between the Federation of Western Australian Bushwalkers Inc and the Water Corporation as described in paragraph 5.55 be cancelled.

Government response:

Recommendation 8 is supported.

The Department of Water will ensure recreation stakeholders are engaged in the review of Policy 13, and that their views and needs for now and the future are considered (see recommendations 1 and 9).

Recommendation nine:

The Committee recommends that all future reviews of Statewide Policy 13 should be based on the imperative of source protection and guided by the precautionary principle.

Government response:

Recommendation 9 is supported.

However, in future water resource planning, and in the proposed review of the Department of Water's Policy 13, consideration will be given to the increasing demand for recreation that will accompany the significant population increase predicted for the Perth to Bunbury region. The impact of this population growth on the ongoing availability of reliable, safe, good quality drinking water sources will also be considered.

The Department of Water plans to commence a public review of Policy 13 in 2011. That review will consider the Standing Committee's recommendations and findings.

Recommendation ten:

The Committee recommends that a lead agency be nominated to be responsible for decision making in the Priority 1 area of the Kununurra Water Reserve.

Recommendation eleven:

The Committee recommends that the Government give consideration to relocating the Kununurra bore field to another site to enable the development of the existing Priority 1 area of the Kununurra Water Reserve as a tourist precinct.

Government response:

Recommendations 10 and 11 are supported.

The Department of Planning is the lead agency responsible for planning decisions within the Kununurra Water Reserve. Recreation and tourism issues along a defined area of the foreshore are subject to the agreement of both the Department of Water and Shire of Wyndham East Kimberley as the land is vested in both parties.

The Department of Water will continue to liaise with all parties regarding the ongoing management of the Kununurra Water Reserve, and opportunities for its protection, relocation, development and tourism potential.

Recent advice from the Department of Water on a proposed reduction to the eastern boundary of the existing proclaimed Kununurra Water Reserve (along Lilly Creek Lagoon) would allow for some development to occur, and for new and enhanced recreation and tourism opportunities.

Investigations of alternative water supply sources will be considered in the context of the above proposed boundary change and ongoing discussions with stakeholders.