



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

# Middle Canning River

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surface water allocation plan  
(below Canning Dam to Kent Street Weir)

Statement of Response

Department of Water

September 2012



# Middle Canning River surface water allocation plan

(below Canning Dam to Kent Street Weir)

Statement of response

*Looking after all our water needs*

Department of Water

September 2012

Department of Water  
168 St Georges Terrace  
Perth Western Australia 6000  
Telephone +61 8 6364 7600  
Facsimile +61 8 6364 7601  
National Relay Service 13 36 77  
[www.water.wa.gov.au](http://www.water.wa.gov.au)

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For more information about this report, contact

Swan Avon Region  
Department of Water  
7 Ellam Street  
Victoria Park Western Australia 6100

Telephone 08 6250 8000  
Facsimile 08 6250 8050

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# Middle Canning River surface water allocation plan - statement of response

This statement is the Department of Water's response to the comments, issues and questions received on the *Lower Canning River surface water allocation plan: for public comment* (DoW 2010). All of the comments received were considered in finalising the plan.

## The public comment period

The plan was open for a three-month public comment period from September to December 2010. Stakeholders and organisations, as well as licensees and riparian users along the river, were notified that the plan was open for public comment.

An invitation to comment was also advertised monthly during the public comment period in *The West Australian* and the *Comment News*.

During the public comment period, the department met with representatives from a number of stakeholder groups to brief them on the plan. These included:

- Araluen Botanic Park
- South East Regional Centre for Urban Landcare
- Perth NRM
- Canning River Regional Park Community Advisory Committee
- Swan River Trust

We also met with the largest licensed users before the plan was released to inform them of the plan's implications. This included the requirement to meter their use and the possibility of pumping restrictions being imposed in drought years.

An additional meeting was held with representatives from stakeholder groups after the public comment period closed. The purpose was to discuss submissions that fell outside the allocation plan's scope and to help finalise the plan.

## Comments received and the department's responses

We received 16 formal submissions during the public comment period. Respondents and their associated interest group are listed in Table 1. Respondents representing a specific interest group have, in some cases commented on other areas of interest in the plan.

We appreciate the effort put into all of the submissions and have considered all the comments in finalising the plan. This statement provides the department's response to the submissions and outlines if the allocation plan was updated or changed due to public comments.

**Table 1 Interest groupings of respondents to the draft plan**

<b>Respondents</b>	<b>Interest group</b>	<b>Number of responses</b>
Canning River Regional Park Community Advisory Committee	Community	1
Individual (x 9)	Individual	9
City of Armadale City of Canning	Local government	2
Department of Environment and Conservation Department of Indigenous Affairs Swan River Trust	Other state Government	3
Water Corporation	Public water supply	1
<b>Total</b>		<b>16</b>

The following tables summarise the main issues and questions raised in the submissions and list our responses. The comments are grouped according to the water issue they relate to.

**Table 2 General comments on the plan**

<b>Comment</b>	<b>Department of Water response</b>
<p><b>Support for the plan</b></p> <p>A number of respondents expressed their support for the plan stating:</p> <ul style="list-style-type: none"> <li>the plan is clear and concise</li> <li>the plan includes well-thought-out initiatives to ensure the river system’s ecological needs are met</li> <li>the plan enables the rules outlined for summer releases to be agreed on and put into operation</li> <li>it has been particularly useful having a formal mechanism in place to guide releases in a dry year.</li> </ul>	<p>We value the support that stakeholders have expressed for the plan and thank them for their submissions and interest in managing the Middle Canning River.</p>
<p><b>Aboriginal sites</b></p> <p>The plan does not make sufficient reference to the impact of environmental flows, or the creation of a reserve on Aboriginal sites.</p> <p>The plan needs to recognise the links between traditional owners and the river and reaffirm the value of water to Aboriginal peoples.</p>	<p>The river channel and foreshore fall within the Swan River Trust’s Development Control Area under the <i>Swan and Canning Rivers Management Act 2006</i>. We will continue to refer any actions that impact on the river channel to the Trust.</p> <p>We have amended the plan to recognise the links between traditional owners and the river and the importance of the river as a heritage site.</p>

Comment	Department of Water response
<p><b>Notification</b></p> <p>Two respondents said that there needed to be improved notification about changes to releases, the turning on and off of flows and reductions to water allocations. This was especially important in low-winter-rainfall years.</p>	<p>We have updated the plan to include our process for notifying water users and key stakeholder groups when changes will be made to releases. See Sections 4.2 and 5.3.</p>
<p><b>Naming conventions and plan content</b></p> <p>A number of submissions suggested the following edits:</p> <ul style="list-style-type: none"> <li>i. The plan’s name should be changed to <i>Middle Canning River surface water allocation plan</i> to better align with the naming of river stretches used by other agencies</li> <li>ii. The plan states that the Kent Street Weir is located in suburb of Cannington. This should be amended to Wilson.</li> <li>iii. It would be useful if the plan had a map showing the locations of the environmental release points (ERPs). This would help determine the impacts of the reduction in environmental releases on particular stretches of the river, in particular the Canning River Regional Park.</li> <li>iv. Further clarification is required about the difference between the department and the Water Corporation and their respective roles.</li> <li>v. A number of surface water users in the upper reaches do not have access to scheme water as an alternative water source.</li> </ul>	<ul style="list-style-type: none"> <li>i. We have changed the plan’s name from <i>Lower Canning River surface water allocation plan</i> to <i>Middle Canning River surface water allocation plan</i>.</li> <li>ii. We have amended the plan, see Section 1.3.</li> <li>iii. We have added a new figure to the plan to include the location of the release points in relation to the management reaches (see Figure 2).</li> <li>iv. The Department of Water is the government agency that looks after all of Western Australia’s water. We support growth and development by sustainably managing the availability and quality of water. For further information go to &lt;<a href="http://www.water.wa.gov.au">www.water.wa.gov.au</a>&gt; The Water Corporation is the principal supplier of water, wastewater and drainage services in Western Australia. For further information go to &lt;<a href="http://www.watercorporation.com.au">www.watercorporation.com.au</a>&gt;</li> <li>v. We have amended the plan (Section 4.2) to say that we encourage users to move to alternative sources, including rainwater tanks, recycled water or scheme water – where available.</li> </ul>

*Table 3 Comments on balancing economic, social and environmental values*

Comment	Department of Water response
<p><b>Commercial uses versus the environment</b></p> <p>Water for commercial uses versus the environment was raised in one submission.</p> <ul style="list-style-type: none"> <li>• Commercial/other activities supported by the river must be given the appropriate level of prioritisation when considering future water use restrictions.</li> <li>• Too much water is allocated to the environment to the detriment of the security of water for existing agricultural uses.</li> </ul>	<p>The objective of the releases are to maintain baseflow at a specific flow rate over the summer months. This is to ensure the river does not stop flowing. The releases also provide some water for use.</p> <p>The plan continues to provide water for use, but we anticipate this use will decline over time. As the area along the Canning River urbanises, and as people alongside the river gain access to scheme water, the river is becoming more important as a living urban stream and less important as a source of water.</p> <p>We also ask water users to become more efficient with their water use, particularly in periods of low flow. We ask users to:</p> <ul style="list-style-type: none"> <li>• actively encourage efficient water use</li> <li>• use alternative water sources where possible</li> <li>• coordinate with other users and spread ‘take’</li> <li>• observe the current sprinkler restrictions for scheme water users (for non-commercial uses).</li> </ul>

*Table 4 Comments on licensing*

Comment	Department of Water response
<p><b>Current entitlements</b></p> <p>One respondent wanted reassurance that their current licence and entitlements would not be affected.</p>	<p>Current licensed entitlements have not been affected by the release of this allocation plan or the review of allocation limits. But during low-rainfall-year releases we do ask users to reduce their abstraction by 50 per cent.</p> <p>A water licence under the <i>Rights in Water and Irrigation Act 1914</i> provides a legal and secure right to water, but we cannot guarantee reliability of supply.</p>

Comment	Department of Water response
<p><b>Licence conditions</b></p> <p>One respondent suggested that all licences should state conditions such as maximum volume that can be pumped in one day.</p>	<p>Clause 15 of Schedule 1 of the <i>Rights in Water and Irrigation Act 1914</i> enables us to include terms, conditions and restrictions to licences. Conditions may refer to attachments or other documents that the licence must abide by. Licence conditions may state the following:</p> <ul style="list-style-type: none"> <li>• maximum daily abstraction rates</li> <li>• periods when pumping is prohibited</li> <li>• a minimum water level above which pumping is permitted</li> <li>• limitations on pumping rates and pump size</li> </ul> <p>Licence conditions may also state metering requirements. For more information, please see Sections 4.2 and 4.3 of the plan.</p>
<p><b>Metering</b></p> <p>One respondent suggested all users, including riparian users, should be metered for calculating total volume of water being taken.</p>	<p>This plan takes the important step of requiring all large users (more than 20,000 KL/yr) to meter their use (Section 4.3.1).</p> <p>Licence conditions to install and monitor meters are applied in accordance with <i>Strategic policy no. 5.03 – Metering the taking of water</i> (DoW 2009) and on a case-by-case basis if identified as necessary through the licence assessment/renewal process.</p> <p>With our drying climate we encourage all licensees and riparian users to implement water efficiency measures or use alternative sources.</p>
<p><b>Riparian rights</b></p> <p>One respondent suggested that all users along the river should have a licence to draw water.</p>	<p>Under the <i>Rights in Water and Irrigation Act 1914</i> some landholders have a riparian right to abstract a small volume of water for limited purposes without a licence (Section 4.1). This right does not guarantee that water will be available.</p> <p>With our drying climate we encourage all riparian users to seek an alternative supply of water (where possible) and use it effectively and efficiently.</p>
<p><b>Compliance</b></p> <p>Comments on compliance included:</p> <p>i. Voluntary compliance with licence conditions and reducing use in low-winter rainfall years is not enough. There need to be tougher penalties for illegal water use.</p>	<p>i. We will monitor flows during low-rainfall years releases against known baseflows. If flows fall below these levels, we will survey water users to determine the where over-abstraction is occurring and initiate compliance action.</p>

Comment	Department of Water response
<p>ii. Will licensed users be monitored during low-winter-rainfall years?</p> <p>iii. Further compliance should be carried out to identify illegal users.</p> <p>iv. Under what legislation are users required to install a meter?</p>	<p>ii. Licence holders with an entitlement over 20 000 kL/yr are required to install a meter. During the summer months baseflow will be monitored. If flows fall below a threshold specified in the plan for period of five consecutive days, we will survey water users to determine where the over-abstraction is occurring and initiate compliance action.</p> <p>iii. Under the <i>Rights in Water and Irrigation Act 1914</i> some landholders have a riparian right to abstract water for limited non-commercial purposes.</p> <p>iv. Under Section 46 of the <i>Rights in Water and Irrigation Act 1914</i> users can be required to install a meter. Licence conditions to install and monitor meters are applied in accordance with the process outlined in <i>Strategic Policy 5.03 – Metering the taking of water</i> (DoW 2009).</p>

*Table 5 Comments on allocation limits and water availability/managing water entitlements*

Comment	Department of Water response
<p><b>Security and reliability of supply</b></p> <p>Three respondents commented on the security and reliability of supply. Comments included:</p> <p>i. Current entitlements must be increased and maintained.</p>	<p>i. The resource is over-allocated and no more water is available from the river. The allocation limit set for the middle Canning River is the volume of water that can be abstracted sustainably. The allocation limit has been set at 10 per cent below current licensed volumes to prevent new use, enable recoup and drive water use efficiency. It allows for water to be recovered in a staged way to support the system's recovery with minimal impact on current users.</p> <p>To meet the full needs of current licensed and riparian users in the middle Canning River and to support the river's ecological, social and cultural values, more water would need to be released than is currently available from the Integrated Water Supply Scheme (IWSS). Public water supply is the highest value use of water.</p>

Comment	Department of Water response
<p>ii. Users rely on releases for their livelihood and commercial activities. Lower water levels have resulted in losses to infrastructure and livelihood. Further support should be available to encourage water sensitive cultivation and water management strategies.</p>	<p>ii. The release schedule has been designed to provide the best-possible environmental outcomes for the river while providing water for efficient use. The plan asks users to:</p> <ul style="list-style-type: none"> <li>• actively encourage efficient water use.</li> <li>• use alternative water sources where possible</li> <li>• coordinate with other users and spread 'take'</li> <li>• observe the current sprinkler restrictions for scheme water users (for non-commercial uses).</li> </ul> <p>The Department of Water website has information on our water use efficiency programs for local government, developers and the community. The website also provides advice and information to individuals on the many water efficiency option available.</p>

Table 6 Comments on consultation

Comment	Department of Water response
<p><b>Consultation with traditional owners</b></p> <p>A lack of consultation with traditional owners was raised in one submission. The respondent said it was not evident that any consultation had been undertaken with traditional owners on the impacts of the proposed flow regime.</p>	<p>We requested to meet with the traditional owners on several occasions through the South West Aboriginal Land and Sea Council. To date, no response has been received. We are happy to engage with the traditional owners at any time.</p> <p>The plan's primary objective is to maintain key environmental flows and the ecological values of this highly modified system. This is consistent with the values listed in publically available documents.</p> <p>We are legally required to comply with all statutory requirements related to the <i>Native Title Act 1993</i> and the <i>Aboriginal Heritage Act 1972</i>, and we have developed guidelines to ensure that all reasonable measures are taken under these Acts. In addition we consider registered sites in our licensing processes under Schedule 1, Division 2, Section 7(2) of the <i>Rights in Water and Irrigation Act 1914</i>.</p>

Comment	Department of Water response
<p><b>Consultation during the plan development</b></p> <p>A lack of consultation during the plan's development was raised in one submission. The respondent thanked the department for the opportunity to make a submission, but believed it was a waste of time given the final decisions had already been made.</p>	<p>Making a submission is an important opportunity to have your say. We review and consider all of the comments we receive to help finalise the plan. The submissions have been used to improve the way the plan is worded and structured. We have changed some of the local licensing rules as a result of the submissions.</p> <p>We also consulted with stakeholders throughout the plan's development, as well as during the public comment period. The largest licence holders along the river had the opportunity to meet with us before the plan's release.</p> <p>The general public has had the opportunity to comment and make submissions on the Canning River's management on many occasions before this allocation plan was developed. During the development of the values and issues report a series of public workshops were held. This report went on to inform the ecological water requirements (EWR) report and this plan.</p>

Table 7 Comments to variations in climate and rainfall

Comment	Department of Water response
<p><b>Low-winter-rainfall releases</b></p> <p>One respondent believed the low-winter rainfall releases would have a detrimental impact on water-dependent ecosystems and the amenity value of the Canning Regional Park.</p>	<p>The low-winter-rainfall release schedule was implemented during the 2010-11 summer. Due to concerns about the river's health, we amended the plan to increase the volume of water being released.</p>
<p><b>Questions</b></p> <p>Why is the 1975 to 2008 period used for determining the low winter rainfall year trigger?</p>	<p>We have adopted 1975 as the year for identifying the start of the drying climate and we apply this to surface water allocation decisions for south-west Western Australia.</p> <p>The CSIRO has investigated future climate scenarios and their effects on streamflows in the south-west. Under a 'mid-range' climate future, flows at Seaforth gauging station would be reduced by 25 per cent during summer (CSIRO 2009).</p> <p>We will continue to monitor rainfall and streamflow in the plan area to help us evaluate whether we are meeting the plan' objectives.</p>

Comment	Department of Water response
As fish pulse-flows are being discontinued in dry years, is there a contingency plan in place if there are several dry years in a row?	<p>The action of halving releases over the 2010-11 summer was closely monitored and adjustments have been made. See sections 5.3 and 5.4 of the plan for further details.</p> <p>If we implement the low-rainfall release schedule in two successive years, we will undertake fish monitoring during the second summer. The effectiveness of the low-rainfall response in maintaining ecosystem health will be reviewed.</p> <p>We will continue to closely monitor flows when low-rainfall summer releases are occurring.</p>

Table 8 Comments on drainage, foreshore and channel management

Comment	Department of Water response
<p><b>Foreshore management</b></p> <p>Three respondents commented on foreshore management and that due to a continued build-up of rubbish, public access to the river foreshore should cease.</p>	<p>We do not have land management responsibilities. This is the responsibility of the Swan River Trust (SRT), Western Australian Planning Commission (WAPC), relevant local government or redevelopment authorities. The management of the foreshore area is an important component of maintaining overall river health. We will continue to work with these groups on the issue of foreshore management.</p>
<p><b>Drainage and sedimentation</b></p> <p>A number of respondents commented on the build-up of sediment in the river each year, disruptions to flows and the lowering of water levels. Other comments included:</p> <ul style="list-style-type: none"> <li>i. The annual high flows that flushed sediment downstream have ceased since the Canning Dam's construction.</li> <li>ii. The river should be dredged to re-establish pools, only after actions are taken to prevent further sedimentation.</li> </ul>	<p>The wording of Section 1.2 has been updated to include further information on sedimentation and drainage.</p> <ul style="list-style-type: none"> <li>i. This issue was identified as requiring a complementary management initiative in the <i>Environmental values, flow related issues and objectives for the Canning River, Western Australia</i> (DoW 2007) that went on to inform the EWR report and this plan. While this issue is outside the scope of the plan, we agree it would have been exacerbated in the drying climate.</li> <li>ii. We will continue to work with the relevant government agencies and local governments on broader catchment management issues. Dredging of the river requires the approval of the Department of Water and the SRT. A permit under the <i>Rights in Water and Irrigation Act 1914</i> is required to lawfully interfere with the beds and banks of watercourses, including the installation of pumps or the construction of barriers/dams. As respondents have pointed out, dredging does not solve the issue of sedimentation.</li> </ul>

Comment	Department of Water response
<p>iii. One respondent raised a number of actions to address drainage that should have been included in the plan including future drainage should divert into properly maintained silt ponds before discharge into the river.</p>	<p>iii. The diversion of drainage into the river occurs as a result of land management. The WAPC, relevant local government or redevelopment authorities are responsible for approving any drainage into the river through the <i>Planning and Development Act 2005</i>.</p> <p>Much of this drainage is historical and was done at a time when far less consideration was given to good river management.</p> <p>As areas are redeveloped, the relevant agencies are required to refer the redevelopment to the Department of Water and the SRT. Both agencies will require best practice stormwater management to be adopted.</p>
<p><b>Public reserves</b></p> <p>The creation of reserves as part of the subdivision process was raised in two submissions.</p> <ul style="list-style-type: none"> <li>• The SRT generally recommends to the WAPC that foreshore land reserved for parks and recreation be ceded free of cost as a condition of any subdivision abutting the river.</li> <li>• The SRT recommends the Department of Water requests WAPC refer all subdivision applications with licences/lots along the river to the department for advice.</li> </ul> <p>An additional submission commented that access to public reserves should cease due to the continued build-up of rubbish.</p>	<p>While this is outside the scope of the plan, we have met with the relevant government agencies and local governments to raise this as a concern.</p> <p>We disagree. The public reserves are managed by the SRT and local governments. We encourage you to speak to your local government.</p> <p><i>The Environmental values, flow related issues and objectives for the Canning River, Western Australia</i> report (DoW 2007) that went on to inform the EWR and this plan identified that the values relating to the continued use of public open space around the river (social activities, relaxation etc.) were of high importance.</p>
<p><b>Question</b></p> <p>1. Will flow rate and river levels be managed to avoid erosion to the bed and banks?</p>	<p>This is outside the scope of the plan.</p> <p>The objective of the releases are to maintain baseflow at a specific flow rate over the summer months. During the winter months or during a storm event, river flow comes from catchment rainfall/runoff and we do not have control over the flow rates or river level.</p> <p>We will continue to work with the relevant government agencies and local governments on broader catchment management issues.</p>

## Where to next?

We considered each comment and response in finalising the Middle Canning River surface water allocation plan. The final plan will come into effect from the day the Minister for Water endorses the plan.

We will release an evaluation statement on the Middle Canning River surface water allocation plan that describes the response of the resource to our management according to the plan objectives. The evaluation statements will also be available on our website.

The plan is available from the department's website  
[www.water.wa.gov.au/managing our water>water planning>allocation planning>Canning River plan area](http://www.water.wa.gov.au/managing_our_water/water_planning/allocation_planning/Canning_River_plan_area)

For further information please email <[allocationplanning@water.wa.gov.au](mailto:allocationplanning@water.wa.gov.au)> or contact the Swan Avon Regional office. The contact details are given at the front of this report.

## Shortened forms

CSIRO	Commonwealth Scientific and Industrial Research Organisation
DoW	Department of Water
ERP	Environmental release point
IWSS	Integrated Water Supply Scheme
SRT	Swan River Trust
WAPC	West Australian Planning Commission

## References

- Commonwealth Scientific and Industrial Research Organisation (CSIRO) 2009, *Water yields and demands in south west Western Australia: a report to the Australian Government from the CSIRO South-Western Sustainable Yield Project*, available from <[www.csiro.au/partnerships/SWSY.html](http://www.csiro.au/partnerships/SWSY.html)>.
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- 1972, *Aboriginal Heritage Act*, Perth
- 1983, *Native Title Act*, Perth





RECYCLED CONTENT

## Department of **Water**

168 St Georges Terrace, Perth, Western Australia  
PO Box K822 Perth Western Australia 6842  
Phone: 08 6364 7600  
Fax: 08 6364 7601  
[www.water.wa.gov.au](http://www.water.wa.gov.au)

8089 00 0912