

Public record pursuant to s. 39 of the *Environmental Protection Act 1986*

Proposal title: Abstraction of groundwater from the Millstream water reserve

Proposal description: The proposal is to continue abstracting groundwater from the Millstream aquifer to supply the West Pilbara Water Supply Scheme (WPWSS). Following the referral, the proponent requested that the proposal be amended to be the continuation of groundwater abstraction from the Millstream aquifer by up to 6 gegalitres per annum (GL/a) with a contingency of 3 GL/a to February 2027, then up to 6 GL/a to 2028; then up to 5.5 GL/a to 2032. The Environmental Protection Authority (EPA) considered the proponent's request and approved the amendment of the proposal pursuant to section 38C of the *Environmental Protection Act 1986*.

Proposal location: Yindjibarndi Ngurra (Country), 130 km south of Roebourne, Shire of Ashburton

APP number: APP-0026350

Date referral received: 11-11-2024

Date final information received: 24-07-2025

Referrer: Yindjibarndi Aboriginal Corporation

Proponent: Water Corporation

Potential significant effects: The abstraction of water from the Millstream aquifer has the potential to have an effect on: the hydrological regimes of the Millstream wetlands (**inland waters**); the persistence of sites of cultural and spiritual importance (**social surroundings**); the amount and duration of water available for groundwater-dependent vegetation and ecosystems (**flora and vegetation**); the extent and availability of habitat for **subterranean and terrestrial fauna**; the maintenance of amenity values (**social surroundings**).

Potential environmental factors: inland waters, social surroundings, flora and vegetation, subterranean fauna, terrestrial fauna.

Public comment on referral information:

Do not assess:	2
Assess: a) Referral information	3
b) Environmental review - no public review	1
c) Public environmental review	89
	<i>Total submissions:</i> 95

Decision: s. 38G(1) – Not assess – Public advice given

Summary of reasons pursuant to s. 38G(1)(c)

The EPA acknowledges the matters raised by the Yindjibarndi Aboriginal Corporation in their referral information about the potential impacts from the use of the Millstream aquifer to their sacred waterways. While the EPA has examined the detailed referral information and supporting information submitted by Yindjibarndi Aboriginal Corporation, the EPA has decided that the proposal (as amended by the proponent), does not require formal assessment.

In deciding not to assess the proposal the EPA has considered the duration of the proposal, including the proponent's amendment to the proposal to progressively reduce abstraction (to 2032). The EPA has also taken into account other statutory decision-making processes that can mitigate the potential impacts of the proposal on the environment. This includes

the Department of Water and Environmental Regulation's (DWER's) approach for a short-term renewal of the current licence to 2027 to allow a more contemporary understanding of aquifer conditions and climate modelling to inform further decisions in 2027, and advice that the temporary 3 GL licence will not be renewed when it expires in 2027 (this is further set out below).

To address longer term implications of abstraction on the Millstream aquifer, the Minister for the Environment has requested the EPA provide advice under section 16(e) of the *Environmental Protection Act 1986* on the cumulative impacts on the Millstream aquifer. The EPA intends to respond and provide the advice requested by the Minister, to guide the ongoing management and regulation of Millstream aquifer and assist in future decision making in light of future threats and pressures, so that the environmental and cultural values can be maintained.

Noting the need to progress and establish additional water sources to ease the pressure on the Millstream aquifer, the EPA's advice to the Minister will also incorporate the Water Corporation's commitments made as part of this referral, recommendations put forward by the Yindjibarndi Aboriginal Corporation and also work being undertaken by DWER regarding planning and evaluation for future water supply in the Pilbara.

Scope of this referral

It should be noted that any changes to groundwater abstraction beyond the volume and duration stated in this referral and proposal content document (as amended), which are likely to result in significant environmental effects have not been considered as part of the decision for this proposal, and may result in a new referral to the EPA being required for that different proposal.

It should be noted that the EPA's decision to not assess the proposal does not preclude the setting of lower groundwater abstraction limits under the *Rights in Water and Irrigation Act 1914*, based on more contemporary information and understanding of the Millstream system.

Taking into account decision-making process under the Rights in Water and Irrigation Act 1914

- Groundwater abstraction from the Millstream aquifer has the potential to impact on water regimes that support significant ecological habitats, and groundwater-dependent cultural and social values associated with the Millstream aquifer and wetland system.
- These types of impacts on water regimes can be mitigated and managed through conditions of a licence granted by the Minister for Water (or his delegate) under s. 5C of the *Rights in Water and Irrigation Act 1914* (RiWI Act).
- The EPA notes that the RiWI Act sets out matters the Minister (or his delegate) can have regard for when deciding on applications for licences. Those matters include whether any taking and use of water is ecologically sustainable, environmentally acceptable, or could have a detrimental effect on another person, amongst other considerations. Further, the RiWI Act allows for licences to take water granted under s. 5C to include terms, conditions and restrictions that may relate to:
 - the use, management, protection and enhancement of any water resource and its ecosystem, or the environment in which the water resource is situated

- the monitoring of any water resource and its ecosystem or the environment in which the water resource is situated.
- In the case of this proposal, the EPA notes that the current licence framework for the Millstream aquifer provides that abstraction may be reduced when recharge is below defined management criteria. The EPA notes that the management criteria have been specifically developed to protect the Millstream aquifer and wetland system from the impacts of abstraction. This applies to both the current licence being renewed and the temporary licence.
- DWER is currently working with the Water Corporation to ensure that key matters relating to the protection of the Millstream aquifer are addressed during the review of its proposed licence renewal.
- DWER has advised the EPA that its approach to the renewal application for the current licence will be based on a short-term renewal to align with the expiration of the temporary 3 gegalitres (GL) licence (GWL 205069) expiring in February 2027, noting that the temporary licence was issued to Water Corporation to provide a contingency water source while alternative water sources were progressed. A short-term renewal will facilitate DWER's consideration of the most contemporary understanding of aquifer conditions and climate modelling. DWER further advised that it does not intend to renew the temporary 3 GL licence, at this time.
- In addition to DWER's approach to the short-term licence renewal, DWER advised that there will be immediate improvements to the licence and operating strategy (including the management criteria) including an additional review in 2027. This includes amendments to river flow and water level triggers, thresholds and responses. This will be set out in an amended water resource management operating strategy. The licence requires the Water Corporation to comply with the commitments of the operating strategy.
- The EPA notes that the management criteria aims to maintain the ecosystems at Millstream at a low level of risk by setting management criteria that aim to mimic the natural water regime and are applied each year based on recharge into the aquifer.
- DWER has further advised that any significant environmental impacts from the water abstraction would be adequately detected within the scope of the water licensing framework.

Water Corporation commitments

- The EPA notes the commitments made in the referral by the Water Corporation to:
 - investigate the expansion and reconfiguration of the Millstream borefield across the Millstream aquifer, including assessing a number of existing bores for recommissioning
 - upgrade infrastructure at Harding Dam water treatment plant and distribution system. The EPA supports all possible efforts are made to maintain Harding Dam in operational readiness so that it remains the primary source of water for the West Pilbara Water Scheme

- on the recommendation of the Yindjibarndi Aboriginal Corporation, Water Corporation are working with DWER and Yindjibarndi Water on the development of the northern borefield north of Millstream as an alternative groundwater supply.
- The EPA is also aware that the Government of Western Australia aims to strengthen water security in the Pilbara, and the Water Corporation are considering options to deliver Stage 2 of the Dampier Seawater Desalination Plant. This would serve to address demands on the West Pilbara Water Supply Scheme as an interim water source and is planned to be delivered in 2027.
- To address long term demands of the West Pilbara Water Supply Scheme, the Water Corporation has advised that they have commenced planning for a seawater desalination plant with a forecast delivery in 2032.
- The EPA supports the further development of Water Corporation's commitments as a means of easing pressure on the Millstream aquifer and looks forward to reporting on the progress and implementation of the commitments in the EPA's section 16(e) advice to the Minister for the Environment (further discussed below).

Summary

- The EPA understands that recharge to the Millstream aquifer was below average over the past two years, and groundwater abstraction combined with low water levels in the Harding Dam has led to increased pressure on the system. However, the EPA is satisfied that the licence, which is currently being reviewed and strengthened by DWER, allows for groundwater to be abstracted subject to the proponent having to meet management criteria, to protect the Millstream aquifer and wetland system from the impacts of abstraction. The EPA is confident that the licence(s) allows for an adaptive management approach enabling the incorporation of monitoring data and climate predictions, and implementation of a responsive management framework.
- Furthermore, the EPA considers the combination of DWER's approach to a short-term licence renewal together with the amended proposal for reduced abstraction from 2027, and implementation of the Water Corporations commitments set out above will serve to reduce abstraction over time and ease pressure on the Millstream aquifer.

Request from the Minister for the Environment for advice under Section 16(e) of the EP Act

- While the EPA has considered the potential impacts of this referral and the manner in which it will be regulated by other decision-making authorities, the EPA is mindful of the potential ongoing pressures on the Millstream aquifer from potential future water supply demand and climate trends.
- The Minister for the Environment has requested the EPA provide advice under section 16(e) on the cumulative impacts to the Millstream aquifer, with consideration for other ecosystems that may be impacted by future demand on the West Pilbara Water Supply Scheme. It is the EPA's intention to respond and provide the advice requested by the

Minister, to assist in future decision making and guide the ongoing management of the Millstream aquifer so that the environmental and cultural values can be maintained.

- The EPA's advice to the Minister should incorporate the Water Corporation's commitments made as part of this referral and the work being undertaken by DWER regarding planning and evaluation for future water supply in the Pilbara.

Material information considered by the EPA in this decision

The EPA has considered and had regard to: the referral information, which is available on the EPA's consultation hub; comments received during the 7-day comment period; information conducted through its own inquiries; and any further information requested from the proponent and government agencies. The EPA also took into account other statutory decision-making processes that can mitigate the potential impacts of the proposal on the environment.

The EPA has considered the following material information in making its decision:

- Third party Referral (11 November 2024)
- Referral supporting documentation:
 - Millstream aquifer water abstraction s.38(1) referral supporting document 1, Yindjibarndi Aboriginal Corporation, 11 November 2024
 - Supplementary document 2 Ngurra Warndurala Buluygayi Miiyahna: Exploring Yindjibarndi Country - Millstream-Chichester National Park, 2007, Juluwarlu Aboriginal Corporation
 - Supplementary document 3 Millstream cultural values baseline August 2024: Report of a cultural values and impacts baseline survey at Millstream, 2024, Echoes Cultural Heritage Management
 - Supplementary document 4 Millstream groundwater study, 2024, Yindjibarndi Water
 - Supplementary document 5 Independent hydrogeologist high level review. 2024, Paul Whincup
 - Supplementary document 6 Summary of engagement, 2024, Yindjibarndi Aboriginal Corporation
- Proponent referral documentation:
 - Form: Referral of a proposal under s.38 of the EP Act, 4 April 2025
 - Abstraction of groundwater from the Millstream: Supporting document, 4 April 2025, Water Corporation
 - Appendix A: Proposal content document
 - Appendix B: Water Resource Management Operation Strategy 2014
 - Appendix C: Review of the YAC referral

- Appendix D: West Pilbara Water Monitoring review 2018-2021
- Request to amend proposal under s.38C, 24 July 2025
- Information from the DWER about its statutory decision-making processes
- EP Act s 3, s 4, Part IV, Admin Procedures, EPA factor and technical guidance

Appeals: There are no rights of appeal under the EP Act in respect of this decision.



Darren Walsh

Chair

Delegate of the Environmental Protection Authority

Date 20 October 2025