



Department for Planning and Infrastructure
Government of Western Australia

DEPARTMENT OF ENVIRONMENTAL PROTECTION RECORDS SECTION	
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ENVIRONMENTAL
PROTECTION AUTHORITY
DATE RECEIVED 5-7-04
EPA FILE NO 5
CORRESPONDENCE
REF NO EPIN 151

Your ref:
Our ref: 801/2/1/13
Enquiries: A Wilson

Dr Wally Cox
Chairman
Environmental Protection Authority
Westralia Sqaure Building
141 St Georges Tce
Perth WA 6000

Dear Wally

Southern River/Forrestdale/Brookdale/Wungong Memorandum of Understanding


Please find attached a copy of the Southern River/Forrestdale/Brookdale/Wungong Memorandum of Understanding. The MOU was prepared in response to a request from the Environmental Protection Authority which requested that a memorandum of understanding be prepared to facilitate the implementation of the Southern River/Forrestdale/Brookdale/Wungong Urban Water Management Strategy.

The Memorandum of Understanding includes:

- an overview of the principles of the UWMS;
- an outline of the objectives and principles of the MOU; and
- a summary of the roles and responsibilities of each organisation in relation to the implementation of the MOU.

The Department for Planning and Infrastructure has facilitated the preparation of the MOU and I would like to thank you and your organisation for the input provided. Additional copies of the MOU can be obtained by phoning Ashley Wilson on 9264 7714.

Yours sincerely


Greg Martin
Director General
30/6/2004

*Copies to R Sippe
K Taylor*

*made bill
5/7/04*

SCANNED

**SOUTHERN RIVER / FORRESTDALE /
BROOKDALE / WUNGONG**

MEMORANDUM OF UNDERSTANDING

ENVIRONMENTAL PROTECTION AUTHORITY

WATER AND RIVERS COMMISSION

WESTERN AUSTRALIAN PLANNING COMMISSION

CITY OF ARMADALE

CITY OF GOSNELLS

WATER CORPORATION

ARMADALE REDEVELOPMENT AUTHORITY

OCTOBER 2003

**WORKING ARRANGEMENTS ON MATTERS OF MUTUAL INTEREST IN
THE IMPLEMENTATION OF THE SOUTHERN RIVER, FORRESTDALE,
BROOKDALE, WUNGONG URBAN WATER MANAGEMENT STRATEGY**

BACKGROUND

The Southern River/Forrestdale/Brookdale/Wungong Urban Water Management Strategy (UWMS) was prepared following the completion of a district structure plan for the area. It embraces a stormwater vision of protecting water resources, achieving an enhanced living environment for the community and protection from flooding.

The UWMS consists of five key elements to present an integrated water management strategy based on a catchment management approach. These elements are outlined below.

1 Water Quality Management

The UWMS marks a distinct shift in the management of pollutants on the Swan Coastal Plain and mirrors the strategy adopted for the Peel Harvey Estuary. The UWMS provides a stronger emphasis on source controls and catchment management measures rather than 'end of pipe solutions' to reduce pollutant inputs. In other words, the UWMS adopts a 'prevention is better than cure philosophy'.

2 Wetland Management

The UWMS reinforces the Water and Rivers Commission's (WRC) policy that the Average Annual Maximum Groundwater Level (AAMGL) be maintained at existing levels to prevent the pollution of water bodies downstream, the drying out of wetlands and the protection of groundwater dependent vegetation.

The UWMS, does however, recommend flexibility in the application of the policy where it can be demonstrated that management of seasonal maximum groundwater levels would not lead to adverse impacts.

3 Flood Management

The UWMS proposes attenuation of rainfall runoff rates to the levels which presently occur in the study area. This criterion will ensure that peak flows in the Southern River are not increased by land use change.

The concept of natural streamlines is introduced in the UWMS. Such streams convey floodwaters when required, but form an integral part of the urban form and public open space of development areas.

4 Monitoring

The UWMS recommends that monitoring be undertaken to determine current catchment and waterway conditions prior to the establishment of definitive water quality objectives. Post development monitoring would be undertaken to ascertain whether any changes are required to the objectives and strategies applying to future development.

5 Catchment Management

The success of the UWMS relies on a catchment management approach with particular emphasis on integrating water management into Public Open Space.

In reviewing the UWMS, the Environmental Protection Authority (EPA) advised that it favours a staged approach to development based on precautionary principles which would allow for monitoring of the impacts of development on water quality and hydrology and subsequent adaptive management approaches for later stages of development if required. Consequently, the EPA sought assurances regarding the implementation of the UWMS and requested that a memorandum of understanding be prepared and signed by all agencies involved in the implementation of the UWMS.

To facilitate the implementation of the UWMS, the Water Corporation (WC) will coordinate and project manage the development of a Water Cycle Plan in consultation/agreement with all parties. The signatories of this MOU will share the cost of the development of the Water Cycle Plan on an agreed basis.

Land development which follows the intent and recommendations of the UWMS and Water Cycle Plan is not anticipated to require a level of formal environmental impact assessment under the *Environmental Protection Act 1986* on the basis of water management issues. Notwithstanding, the Environmental Protection Authority (EPA) may require the formal environmental impact assessment of land development proposals, if the intent and recommendations of the UWMS, the Water Cycle Plan and best management practice are not demonstrated as being met, or impacts on other key environmental factors are likely to be significant.

OBJECTIVES

The objectives of this Memorandum of Understanding are to:

- Facilitate the orderly implementation of the UWMS.
- Encourage environmentally responsible development which meets the intent and recommendations of the UWMS by specifically addressing issues of water quality management and wetland protection.
- Provide clarity regarding the relationship between the key agencies involved with the implementation of the UWMS.
- Encourage all parties to work in a cooperative manner towards achieving the intent and recommendations of the UWMS.
- Facilitate water quality monitoring and review in the UWMS area and progressively implement adaptive management responses to the monitored outcomes of development.
- Facilitate the preparation of a Water Cycle Plan.

PRINCIPLES

1. The requirements, needs, performance targets and principles for urban water management and environmentally sensitive areas etc. are established by the WRC in consultation with all members of this MOU.
2. The WC is responsible for developing the Water Cycle Plan in agreement with all parties. The Plan will include responsibilities of all parties to achieve the requirements of the UWMS and best management practice. The WRC will review the Water Cycle Plan on behalf of the EPA to ensure that it fulfils the requirements of the UWMS and best management practice.
3. Detailed plans for works and other treatments as outlined in the Water Cycle Plan are prepared by the WC, local governments and other service providers as identified in the Water Cycle Plan.
4. Monitoring is carried out in accordance with the Water Cycle Plan. The results are reviewed by the WRC to assess whether the performance targets identified in the UWMS are being achieved.
5. Where targets are not being achieved the water cycle plan will be modified to achieve the required environmental, social and economic targets. Any modified plans will be reviewed to assess whether it meets the requirements laid down by the EPA.
6. All signatory parties to the Water Cycle Plan are responsible for its implementation.
7. Costs arising from changes to the Plan will result in changes in the commercial arrangements with land developers, and the cost recovery mechanism for operational management.

PLANNING MECHANISMS

Statutory planning mechanisms of importance in achieving the intent and recommendations of the UWMS are:

- Amendments to the Metropolitan Region Scheme and town planning schemes.
- Armadale Redevelopment Authority Redevelopment Scheme and policies where applicable.
- Town planning scheme provisions formulated by local government.
- Local structure plans formulated by the relevant local government or the ARA to guide subdivision development.

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- Infrastructure-Provision Submissions prepared by land developers.
 - Conditions of subdivision approval granted by the Western Australian Planning Commission (WAPC).

GENERAL AGREEMENT BY ALL PARTIES

- All parties will have regard to the intent and recommendations of the UWMS in undertaking work in the Southern River, Forrestdale, Brookdale, Wungong area.
- All parties undertake to work in a cooperative manner with the aim of achieving the intent and recommendations of the UWMS.

MANAGEMENT

The parties will appoint representatives to a Steering Committee, on such terms and conditions as approved by the parties, to manage and oversee a co-operative joint working relationship through the implementation of this MOU.

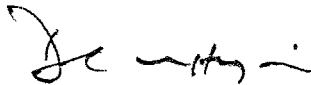
NON-ENFORCEABILITY

The parties agree that this Memorandum of Understanding is not binding or legally enforceable and the parties acknowledge that no legally binding obligations are intended to arise between them as a result of signing this document. This MOU serves as a record of each party's intent to work in a cooperative manner with the other parties to this MOU but does not preclude the development and execution of any specific project or other formally binding agreement at some stage in the future.

WATER AND RIVERS COMMISSION

The Water and Rivers Commission will:

- Review the Water Cycle Plan to ensure that it fulfills the requirements of UWMS and current best management practice.
- Review monitoring data to establish whether the performance targets and, the intent and recommendations of the UWMS are being achieved.
- Report to the EPA on the performance of the Water Cycle Plan.
- Carry out its roles and responsibilities according to the agreed Water Cycle Plan.



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D Carew-Hopkins
A/Chief Executive

WATER AND RIVERS COMMISSION

Note: The Water and Rivers Commission is in the process of being amalgamated with the Department of Environmental Protection to form the DEPARTMENT OF ENVIRONMENT. The Water and Rivers Commission's roles and obligations under this MOU will pass to the Department of Environment upon its formal creation.

ENVIRONMENTAL PROTECTION AUTHORITY

The Environmental Protection Authority will:

- Consider the Water and Rivers Commission reports on the Water Cycle Plan and ensure that it fulfills key environmental objectives and current best management practice.
- Review water quality monitoring reports provided by the Water and Rivers Commission and provide advice in relation to the maintenance of key environmental objectives.
- Carry out its roles and responsibilities according to the agreed Water Cycle Plan.



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Walter Cox
Chairman

ENVIRONMENTAL PROTECTION AUTHORITY

WESTERN AUSTRALIAN PLANNING COMMISSION

The Western Australian Planning Commission will:

- Exercise its statutory decision making authority having regard to the intent and recommendations of UWMS and current best management practice.
- Encourage innovation in urban design and public open space to meet the intent and recommendations of the UWMS and current best management practice.
- Encourage a staged approach to development whilst acknowledging the need for land development at a number of locations throughout the area. This staged approach will ensure that later stages of development can be modified, if necessary, in response to water quality monitoring results.



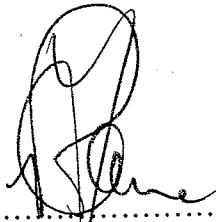
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Jeremy Dawkins
Chairman

WESTERN AUSTRALIAN PLANNING COMMISSION

CITY OF ARMADALE

The City of Armadale will:

- Exercise its statutory decision making authority having regard to the intent and recommendations of UWMS and current best management practice.
- Encourage innovation in urban design and public open space to meet the intent and recommendations of the UWMS and current best management practice.
- Encourage a staged approach to development so that later stages of development can be modified, if necessary, in response to water quality monitoring results.
- Liaise closely with the other parties during the preparation of the Water Cycle Plan.
- Liaise closely with the other parties in the planning, approving and implementing of infrastructure related to urban water management.
- Carry out its roles and responsibilities according to the agreed Water Cycle Plan.

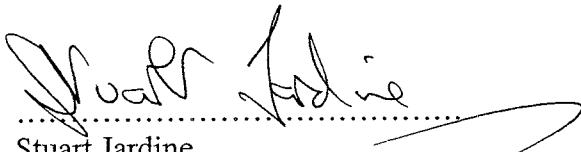


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Ray Tame
Chief Executive Officer
CITY OF ARMADALE

CITY OF GOSNELLS

The City of Gosnells will:

- Exercise its statutory decision making authority having regard to the intent and recommendations of UWMS and current best management practice.
- Encourage innovation in urban design and public open space to meet the intent and recommendations of the UWMS and current best management practice.
- Encourage a staged approach to development so that later stages of development can be modified, if necessary, in response to water quality monitoring results.
- Liaise closely with the other parties during the preparation of the Water Cycle Plan.
- Liaise closely with the other parties in the planning, approving and implementing of infrastructure related to urban water management.
- Carry out its roles and responsibilities according to the agreed Water Cycle Plan.

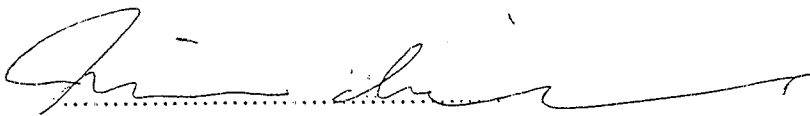


Stuart Jardine
Chief Executive Officer
CITY OF GOSNELLS

WATER CORPORATION

The Water Corporation will:

- Develop a Water Cycle Plan for the catchment to achieve the intent and recommendations of the UMWS. The Plan will be performance based and detail the management requirements of the Water Corporation and the cities of Armadale and Gosnells in relation to 'total water cycle' management, including: water conservation, excess water management during storm events, water quality, monitoring, reporting and cost recovery.
- Liaise closely with the other parties during the preparation of the Water Cycle Plan.
- Liaise closely with the other parties in the planning, approving and implementing of infrastructure related to urban water management.
- Exercise its statutory decision making authority having regard to the intent and recommendations of UWMS and current best management practice.
- Encourage a staged approach to development so that later stages of development can be modified, if necessary, in response to water quality monitoring results.
- Coordinate and project manage the development of a Water Cycle Plan in consultation/agreement with all parties. The signatories of this MOU will share the cost of the development of the Water Cycle Plan on an agreed basis.
- Carry out its roles and responsibilities according to the agreed Water Cycle Plan.

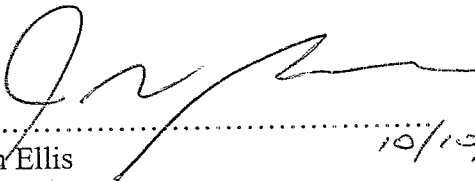


Dr Jim Gill
Managing Director
WATER CORPORATION

ARMADALE REDEVELOPMENT AUTHORITY

The Armadale Redevelopment Authority will:

- Encourage innovation in urban design and public open space and exercise its regulatory powers to meet the intent and recommendations of the UWMS and current best management practice.
- Encourage a staged approach to development so that later stages of development can be modified, if necessary, in response to water quality monitoring results.
- Liaise closely with the other parties during the preparation of the Water Cycle Plan.
- Liaise closely with the other parties in the planning, and implementing of infrastructure related to urban water management.
- Carry out its roles and responsibilities according to the agreed Water Cycle Plan.



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John Ellis
Executive Director

10/10/03

ARMADALE REDEVELOPMENT AUTHORITY

