



Protecting our Bays & Waterways

Partnership Agreement
between
EPA, MAV and Melbourne Water

for urban stormwater management
in the Port Phillip and Westernport catchments.

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FORWARD

i. Background

Since the 1970's, there have been general improvements in water quality resulting from sewerage of catchments and diversion of industrial discharges into the sewerage system. However, a number of studies and reports have emphasised the impacts that urban stormwater has on water quality and the health of aquatic ecosystems.

- The Port Phillip Bay Environmental Study report released on 31 July 1996, highlights the impacts on Port Phillip Bay from Melbourne's urban stormwater runoff, particularly nitrogen loads. Subsequently the State Environment Protection Policy – *Waters of Victoria* was amended to incorporate Schedule F6 (Waters of Port Phillip Bay). This schedule requires the development of a nutrient management plan – the aim – to achieve a 1000 tonne nitrogen load reduction with a major portion to be managed “at source” within the catchment.
- The Yarra Catchment State Environment Protection Policy (F7), Yarra Catchment Action Plan, and the Port Phillip and Westernport Regional Catchment Strategy all highlight the impacts urban stormwater has on water quality and Melbourne's waterways.

The protection of environmental quality and beneficial uses of our water environments, such as those associated with the Yarra River and Port Phillip Bay, will depend upon improved management of urban stormwater. We must reduce the levels of contaminants carried to our creeks, rivers and bays. Indeed, with Melbourne predicted to grow by almost 500,000 people over the next 15 years, a general deterioration in water quality and aquatic health can be expected unless there are significant efforts to improve the management of diffuse sources of pollutants.

The Victorian Environment Protection Authority (EPA Victoria), in consultation with Melbourne Water and the Municipal Association of Victoria (MAV) and local government, has explored various approaches that could be adopted to improve the quality of urban stormwater. The establishment of a cooperative approach was considered essential, and therefore Partnership Agreement between EPA Victoria, Melbourne Water, MAV and local government has been prepared. The Agreement covers environmental outcomes for improved urban stormwater management and the means to achieve these, which includes an ongoing ‘partnership’ approach.

In June 2000, the Government launched the Victorian Stormwater Action Program, a three-year, \$22.5 million statewide initiative aimed at assisting local government to implement best practice stormwater management.

ii. Why Have a Partnership Agreement?

The purpose of the Agreement is to set out the accountabilities of each of the parties who have a responsibility for stormwater management and engender their commitment to improving the management of urban stormwater quality. Melbourne's urban stormwater systems are no different to those of most cities in the world. They have evolved from natural drainage patterns that have been progressively modified to reduce the risk of flooding. With hindsight the environmental consequences of drainage system development can be recognised. However, drainage represents a major component of urban infrastructure. Other infrastructure has grown around it. This poses significant limitations on what can be achieved in existing urban areas. The improved understanding of the environmental implications of urban drainage can be applied to new urban development so that the same impacts do not eventuate in the future. Additionally, opportunities to retrofit new treatment technologies into existing urban drainage infrastructure can also help to address the environmental impacts associated with urban stormwater runoff in receiving environments. This Partnership Agreement puts in place arrangements for opportunistic and strategic improvements to the environmental performance of existing urban stormwater systems and for changing the approach to urban stormwater management in new urban developments.

Individually, EPA Victoria, Melbourne Water and local government have specific roles, responsibilities and powers with respect to particular aspects of stormwater management. This Agreement aims to bring these together in a coordinated manner to achieve an outcome that in many ways is greater than the sum of the parts. The strength of the partnership, reflected by the Agreement, lies in applying the complementary roles and powers of the partners in managing urban stormwater as a system rather than disjointed segments and working towards common goals.

One of the key strengths of this Agreement is that it establishes a common approach to urban stormwater management across the Port Phillip and Westernport catchments. This creates some logistic challenges for involving individual municipalities and for areas where there is no regional drainage authority. These challenges have been addressed by structuring the Agreement as a "global" statement where the MAV provides generic representation of municipalities within these catchments. Individual municipalities can sign up to become participants to the Agreement at any time. This brings them into the partnership with EPA Victoria and/or Melbourne Water.

The key to the Agreement is the commitment to action by the participants. These are broadly:

- Working with common principles of urban stormwater management.
- Establishment of performance objectives to guide planning and design of urban stormwater systems.
- Strategic application of the best practice tools, in the context of agreed principles and performance objectives, through urban stormwater management planning.

- Monitoring of best practice environmental management practices for urban stormwater management.
- Review and refinement of financial and administrative arrangements to deliver the required outcomes in the most cost-effective manner.
- Resolving disputes or other problems before they become impediments to improved environmental outcomes.

This Agreement is seen as a part of a dynamic process that will continue to evolve with changing understanding and circumstances. The Agreement represents a key stage in this process. Beyond this it will be important for EPA Victoria to monitor both the implementation of council Stormwater Management Plans, and the application of the Agreement to ensure that it continues to meet the needs of the participants and achieve improved environmental outcomes.

Memorandum of understanding on environmental performance of Melbourne's urban stormwater systems - "Partnership Agreement"

Definitions and interpretation

The short title for this memorandum of understanding is "Partnership Agreement" or "Stormwater Agreement."

'Best practice' means the most cost-effective means for achieving required environmental outcomes.

'EPA Victoria' means the Environment Protection Authority Victoria

'MAV' means Municipal Association of Victoria, an incorporated local government association

'Melbourne Water' means the Melbourne Water Corporation

'Stormwater system' means drains and other works for the collection, treatment and transport of rainfall-derived runoff.

Purpose

This Agreement establishes the principles of partnership between the Melbourne Water Corporation (within its drainage jurisdiction), the Environment Protection Authority, the Municipal Association of Victoria and individual municipalities, for:

- establishing environmental performance objectives for urban stormwater systems; and
- achieving inter-agency and inter-governmental cooperation in urban stormwater management;

within the Port Phillip and Westernport catchment areas.

Basis for the Agreement

Historically, Melbourne's urban stormwater systems have been developed to protect properties from flooding and to safely convey stormwater runoff downstream. In recent years the community has expressed strong desires for the protection of environmental quality of urban waterways, Port Phillip Bay and Western Port have lead to the additional emphasis on improving stormwater quality. To achieve this urban stormwater must be managed such that environmental impacts on receiving waters are minimised. For example, improving the environmental performance of urban stormwater systems is a recommendation of the Port Phillip Bay Environmental Study and has also been identified as a key element of the Port Phillip Regional Catchment Strategy. This Agreement provides a robust framework for coordinating urban stormwater management to achieve SEPP objectives.

EPA Victoria, Melbourne Water and local government are key stakeholders who between them have the powers and ability to deliver improved environmental outcomes for the management of Melbourne's urban stormwater system. Responsibility for operational management of Melbourne's systems is divided between Melbourne Water and local government. While this Agreement applies available powers and resources of existing statutory bodies to improving the environmental performance of urban stormwater, it also recognises that there may be a need for specific legislative or regulatory instruments to overcome current shortcomings. In such cases, this Agreement provides the foundations for further review of statutory or regulatory arrangements.

The Agreement establishes a partnership between stakeholders in stormwater management to implement the most cost-effective strategies for achieving improved environmental outcomes. Arrangements developed through this Agreement will ensure that investment in stormwater management will be targeted where the best outcomes can be achieved rather than being constrained by jurisdictional boundaries.

Objectives of this Agreement

Through this Agreement the participants wish to establish co-operative arrangements for improving the environmental performance of urban stormwater systems that will:

- i. determine environmental performance goals for urban stormwater systems and the means for achievement of these goals
- ii. clarify the roles and responsibilities of participants in the management and operation of urban stormwater systems
- iii. ensure commitment of participants to actions to fulfil their roles and responsibilities
- iv. establish a process for resolving residual issues of role or responsibility.

Goals

The goals of urban stormwater management agreed by the participants are to:

- i. improve the quality of stormwater from urban areas in accordance with agreed performance goals
- ii. manage stormwater quality on a catchment basis by co-operative programs across municipal boundaries
- iii. promote source control measures to minimise the generation and transport of stormwater pollutants at, or near to, source
- iv. improve, protect and maintain in a healthy condition a diversity of water environments in the urban landscape
- v. involve local resident and business communities in programs to improve stormwater management and water quality.

Statement of roles and responsibilities

The participants agree that their roles and responsibilities in the management of urban stormwater systems are broadly as follows:

- ◆ EPA is responsible for the protection of the quality of Victoria's environment by application of the statutory powers of the *Environment Protection Act (1970)*.
EPA:
 - establishes environmental objectives for urban waterways and bays through State environment protection policy,
 - facilitates the development of tools, such as best practice environmental management guidelines, to assist in the achievement of environmental objectives through the control of sources of pollution,
 - develops environmental performance objectives for stormwater management,
 - facilitates the implementation of a consistent strategic direction for stormwater management at a state-wide level.
 - facilitates the achievement of goals using regulatory and non-regulatory (eg best practice, public education and awareness campaigns) means and enforcement where necessary,
 - ensures that environmental quality is monitored and assessed to identify responses to changes in the management of the catchment and stormwater system.

- ◆ Melbourne Water, as a regional drainage authority, is responsible for management of the regional drainage network and waterways (generally in catchments of greater than 60 Ha) within its drainage jurisdiction.

Melbourne Water within its drainage jurisdiction:

- provides overall direction and strategy for stormwater management
- has a shared responsibility with local government for stormwater management in Melbourne
- identifies best practice and sets standards and targets for stormwater management
- participates in, and supports the development of, stormwater management plans by local government
- acts as a key agent in the coordination of initiatives to improve urban stormwater management to achieve the objectives of SEPP's
- develops strategies for stormwater management in conjunction with local government in developing areas
- monitors and reports on the state of water environments
- supports research to identify best practice, develop new technology, evaluate performance and assist management decision making
- will assist municipalities to establish best practice stormwater management
- designs and constructs and manages stormwater systems and waterways
- provides floodplain management, flood protection and flood warning services to the people of Melbourne

- ◆ local government, as a local drainage authority, is responsible for management of the local drainage network (generally drains and waterways with catchments of less than 60 Ha within MWC drainage jurisdiction).

Local government:

- has a shared responsibility with Melbourne Water (within its drainage jurisdiction) and sole responsibility outside this jurisdiction for stormwater management within municipalities
- participates in urban stormwater policy development and practice with Melbourne Water and EPA
- leads the development and implementation of local stormwater management plans within the regional context established in co-operation with Melbourne Water and EPA
- undertakes local urban drainage works in accordance with agreed best practice standards and guidelines developed by EPA, Melbourne Water and local government
- incorporates best practice guidelines in local planning policies
- undertakes community awareness and participation activities to encourage adoption of best practice by individuals and businesses

Participation to this Agreement by individual municipalities

Individual municipalities may become participants to this Agreement by completion of the declaration set out in Schedule 1. Participating municipalities are listed in Schedule 2 of this Agreement.

Participants to this Agreement are expected to commence implementation of this Agreement, as far as their responsibilities go. If a participant considers its ability to fulfil its obligations under this Agreement is jeopardised by the inaction of another participant, it may seek a determination to address this situation by the process outlined in Section 12.6 below.

Actions agreed by the participants

1.1 Principles

- ◆ All participants agree to cooperate and work in partnership with other participants in the implementation of this Agreement
- ◆ All participants agree to manage stormwater on a catchment basis by engaging relevant stakeholders (eg adjoining municipalities where stormwater systems transcend municipal boundaries)

1.2 Performance Objectives

- ◆ EPA will, in partnership with other participants in this Agreement, establish environmental performance objectives for urban stormwater management and aquatic environments (receiving waters) to guide the planning and design of stormwater systems.

- ◆ As a key agent for urban stormwater management, Melbourne Water will, in partnership with other participants to this Agreement, facilitate development of performance objectives including objectives, which relate to the achievement of SEPP goals.

1.3 Best Practice Environmental Management Guidelines

- ◆ EPA, Melbourne Water and local government will continue to document best practices for stormwater quality management and provide guidance for the adoption of these practices by municipalities and other stakeholders to ensure continuous improvement.
- ◆ EPA will recognise adoption of best practice through appropriate environmental management systems as a benchmark of acceptable environmental performance.
- ◆ Melbourne Water and participating municipalities will incorporate best practice, as defined by the guidelines, into drainage strategies, operational practices and procedures and statutory instruments (eg Municipal Strategic Statements, local laws, planning and building permit conditions, etc).

1.4 Stormwater Management Planning

- ◆ Participating municipalities will complete a Stormwater Management Plan, in consultation with Melbourne Water and EPA Victoria, for their urban stormwater catchments. Stormwater management plans may review existing drainage systems and their management to identify and prioritise:
 - sources of pollution;
 - opportunities to prevent pollution from these sources;
 - opportunities for inclusion of stormwater treatment measures in existing drainage systems; and
 - strategic planning of future urban development and drainage requirements to minimise adverse environmental impacts;
- ◆ Participants agree to engage the community in the development and implementation of stormwater management plans to:
 - develop broad understanding of issues;
 - gain support for investment in measures to improve environmental performance; and
 - encourage individuals to adopt best practice in their actions that affect stormwater quality.

1.5 Financial and administrative arrangements

- ◆ Participants agree to explore financial strategies for ensuring cost effective approaches to improving stormwater quality.
- ◆ Melbourne Water will provide financial incentives for participating municipalities to assist in the development of stormwater management plans.
- ◆ Melbourne Water and participating municipalities will seek the most cost-effective means of achieving environmental performance goals for urban

stormwater management. These will be established through Stormwater Management Plans and may include:

- transfer by contract of operational responsibility of some drainage assets between Melbourne Water and participating municipalities,
 - strategic positioning of stormwater treatment measures within drainage systems with costs apportioned by criteria other than location within the drainage system (ie location in regard to drain asset ownership does not confer responsibility for stormwater treatment measures)
- ◆ Participants agree to investigate and pursue funding assistance options that may be available from time to time for application to improving stormwater quality.
 - ◆ Participants agree to monitor and review legislation and statutory provisions as required to ensure arrangements are appropriate for achieving the goals of this Agreement.

1.6 Dispute resolution

- ◆ In the event that a dispute arises between the participants as to the responsibility for particular actions that may affect the environmental performance of a stormwater system, EPA will convene a panel comprising a nominated representative of EPA, Melbourne Water and MAV to review submissions from the aggrieved participants and recommend an outcome consistent with the goals and objectives of this Agreement.
- ◆ In the event of the panel being unable to resolve the dispute, the panel may recommend that the participation in the Agreement of either or both parties be suspended in whole or part.

1.7 Savings

- ◆ Nothing in this Agreement shall derogate from EPA's responsibilities under the Environment Protection Act 1970.

Monitoring reporting and review of this Agreement

Participants to this Agreement will monitor their activities with regard to this Agreement. Performance measures of this Agreement may include, but are not limited to:

- i. Environmental quality of urban stormwater water and receiving waters.
- ii. Implementation of commitments contained within this Agreement.
- iii. Implementation of activities established as a consequence of this Agreement.

Participants will report the outcomes of this monitoring through their organisation's annual reports.

This Agreement will be reviewed within three years following the commencement of the Agreement. A consolidated report of performance will be published as part of this review.

SIGNED on behalf of the ENVIRONMENT PROTECTION AUTHORITY by

.....

Mick Bourke
Chairman Environment Protection Authority
on/...../.....(date)

SIGNED on behalf of the MELBOURNE WATER CORPORATION by

Brian Bayley
Managing Director, Melbourne Water Corporation
on/...../.....(date)

SIGNED on behalf of the MUNICIPAL ASSOCIATION OF VICTORIA by

Cr Brad Matheson
President, Municipal Association of Victoria
on/...../.....(date)

SCHEDULE 1

AGREEMENT TO PARTICIPATE IN STORMWATER AGREEMENT

The municipality of _____
agrees to participate in the Memorandum of Understanding on Environmental
Performance of Melbourne's Urban Stormwater Systems between the Environment
Protection Authority, Melbourne Water Corporation and the Municipal Association of
Victoria.

SIGNED on behalf of _____
(municipality) by

_____ (name)

_____ (position)

_____/_____/_____ (date)

SCHEDULE 2

PARTICIPATING MUNICIPALITIES TO THE STORMWATER AGREEMENT

The following municipalities are participants to the Memorandum of Understanding on Environmental Performance of Melbourne's Urban Stormwater Systems between the Environment Protection Authority, Melbourne Water Corporation and the Municipal Association of Victoria effective from the specified date.

MUNICIPALITY	COMMENCEMENT DATE
<i>none to date</i>	