

# Memorandum of Understanding

2016



## 1. Introduction

WaterNSW is a state-owned corporation whose objectives include managing the declared catchment and controlled areas and water management works to promote water quality, protect public health and safety and the environment.

The Environment Protection Authority (EPA) is an independent statutory authority. As the state's principal environmental regulator, the EPA leads the state's management of a diverse range of activities that can have an impact on the health of the NSW environment and the state's people.

Under this MoU, WaterNSW and the EPA agree to work together in carrying out their respective functions.

## 2. Purpose

The purpose of this MoU is:

- To facilitate and encourage effective interaction between the parties
- To facilitate the exchange of data and information
- To form the basis for co-operative relationships between the parties to further the objectives of relevant legislation administered by both agencies as well as WaterNSW's Operating licences.
- To set out effective processes and co-operative arrangements between WaterNSW and the EPA to achieve sound environmental and water quality outcomes generally, and especially in declared catchment and controlled areas

This MoU is not intended to create any enforceable obligations on the parties, nor does it alter either party's statutory functions or objectives

## 3. Term, amendment, review or replacement

The term of operation of this MoU is five years from the date of its execution. Either party may initiate the review, amendment or replacement of the MoU before this time in accordance with the requirements of the *Water NSW Act 2014* by notification and agreement with the other party.

## 4. Responsibilities and accountabilities

The EPA and WaterNSW will manage their activities in a co-operative and transparent manner to meet their obligations as set out in section 6(1) of the *Protection of the Environment Administration Act 1991* and section 6 of the *Water NSW Act 2014*, respectively.

WaterNSW acknowledges that the EPA is the primary regulator for protecting the environment in New South Wales and will meet any obligation imposed on it by the

EPA or by environment protection legislation in regard to the carrying out of any of its functions.

The EPA acknowledges that WaterNSW has a regulatory role in relation to activities in declared catchment areas and controlled areas, seeking to protect and enhance the quality of water in these areas. WaterNSW's environment protection functions are detailed in Part 2 of the Water NSW Regulation 2013.

The EPA is the appropriate regulatory authority under the PoEO Act for activities undertaken by WaterNSW as a public authority.

This MoU facilitates WaterNSW and the EPA working together to prevent, avoid, reduce or mitigate the effects of pollution events in the Declared Catchments and controlled areas and on the quality of water in those areas.

## 5. Regulatory framework

The objectives of WaterNSW as set out in the *Water NSW Act 2014* include:

- the operation of water supply infrastructure to capture, store and supply water of appropriate quantity and quality to customers,
- to ensure that declared catchment and controlled areas and water management works in such areas are managed and protected to promote water quality, the protection of public health and public safety, and the protection of the environment, and
- where its activities affect the environment, WaterNSW is to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*.

The EPA will assess and audit where appropriate compliance with relevant environmental protection legislation and requirements in environment protection licences and other regulatory instruments where the EPA is the appropriate regulatory authority.

The EPA will take into account any unforeseeable emergency conditions when considering regulatory action in relation to WaterNSW.

## 6. Consultation processes – Strategic Liaison Group

WaterNSW and the EPA will maintain a Strategic Liaison Group (SLG), comprising senior representatives of each party, as the main body through which strategic matters relating to this MoU are dealt with.

The SLG will meet at least once per calendar year to consider longer-term strategic issues and policies and innovative regulatory solutions to pollution in declared catchment and controlled areas and to identify areas for co-operative research ventures. In addition, the SLG will explore strategic management and co-operation in other areas, such as land management, environmental education, enforcement and policy development.

## **7. Exchange of information**

To enable both organisations to carry out their statutory functions, WaterNSW and EPA will share or make available information in a cooperative manner.

The EPA, in relation to licensed premises, as defined in the PoEO Act and within the catchment areas of WaterNSW's area of operations will provide WaterNSW with the following information:

- Notification of the intention to issue or amend any licences, where the new licence or changes have the potential to impact on water quality
- Copies of any notices served
- Notification of significant pollution incidents with potential impacts on water quality
- Notification of legal proceedings instituted by the EPA
- Where relevant, the above information will be provided via the EPA's Public Register as required under section 308 of the PoEO Act.

WaterNSW, in relation to non-scheduled activities as defined in the PoEO Act, and within the declared catchment and controlled areas, will provide the EPA with the following information:

- Copies of any notices served
- Notification of any significant water pollution incidents
- Notification of legal proceeding instituted by WaterNSW

WaterNSW and EPA will consult each other, and where necessary work together, in responding to matters under the *Environmental Planning and Assessment Act 1979* where there are potential impacts on water quality within Greater Sydney's drinking water catchment.

## **8. Dispute Resolution**

Any difference or dispute which arises between the parties under this MoU is to be referred to the SLG for resolution. Such matters unresolved by the SLG will be referred to the CEOs for resolution.

2016 Memorandum of Understanding  
WaterNSW and EPA

This Memorandum of Understanding is made between the **Environment Protection Authority** and **WaterNSW** on the

day of 2016.

**SIGNED** for and on behalf of the **Environment Protection Authority**



**Barry Buffier, Chair and Chief Executive Officer**



Witness signature

ALISON COCHRANE

Witness name

7/12/16 Goulburn St

Signed at

**SIGNED** for and on behalf of **WaterNSW**



**David Harris, Chief Executive Officer**



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