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WESTERN AUSTRALIA
A better place to live.

City of Swan and Government of Western Australia

Sustainability Memorandum of Understanding

October 2004

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Preamble

The City of Swan is the largest local government area within metropolitan Perth, Western Australia, covering more than 1,043 square kilometres. The City encompasses vast and diverse physical landscapes between the coastal plain and the Darling escarpment including agricultural and hobby farming areas, large expanses of bushland and national parks, older as well as rapidly growing new urban areas, business and industrial centres. Characterised by a diversity of landscape and community, the City of Swan is considered a region in its own right.

Midland Regional Centre is the major commercial and administrative centre for the City, located 16 kilometres east of the Perth Central Area and serves the wider Eastern and Hills regions. The City has 38 suburbs¹ and extends from Ballajura and Malaga in the west to Gidgegannup in the east and from Bullsbrook in the north to South Guildford and the Helena Valley in the south.

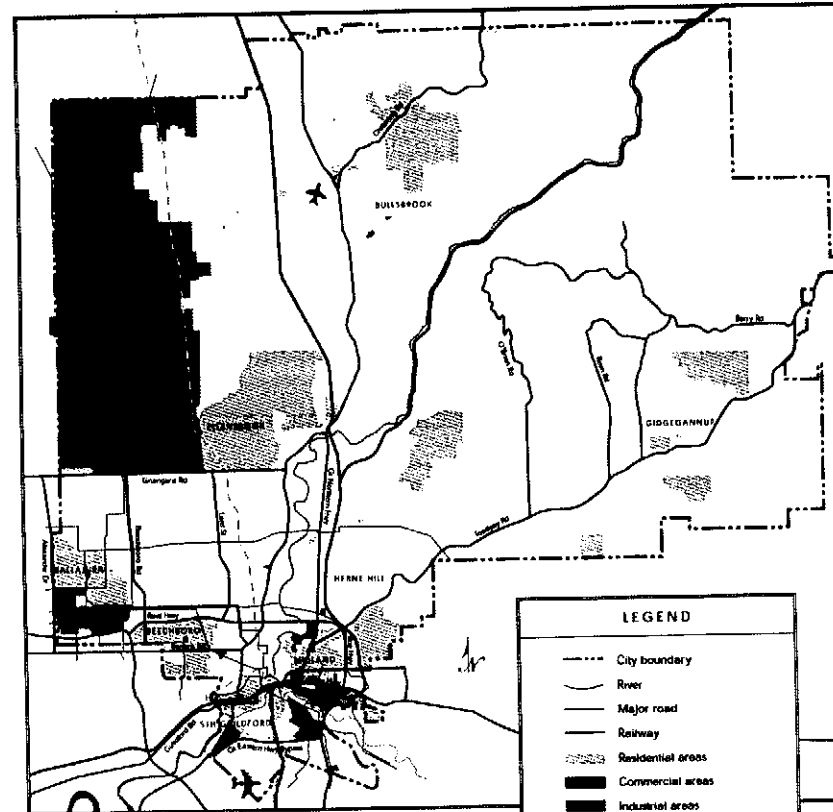
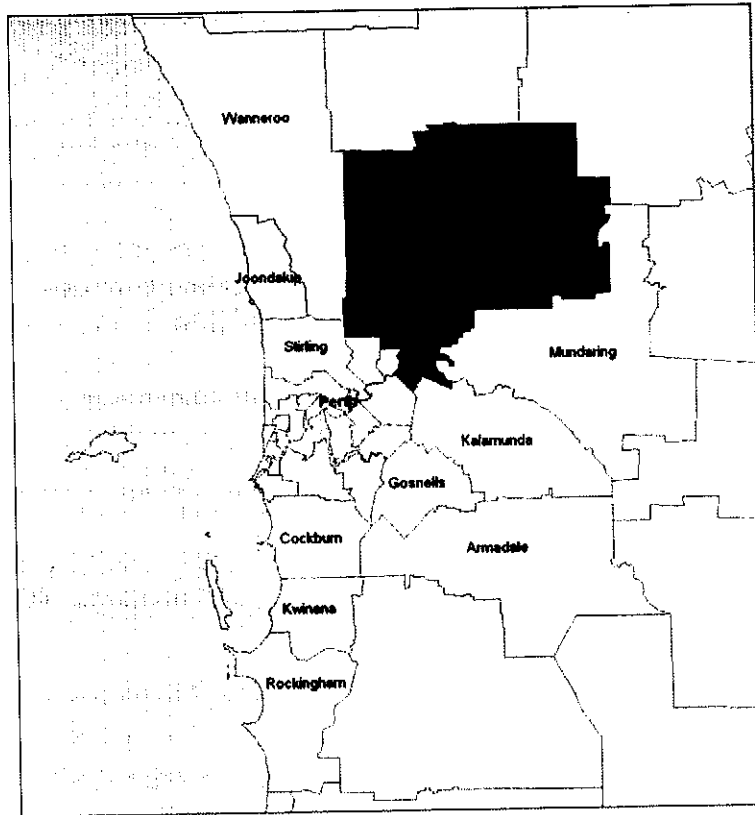
The City is currently home to around 90,000 residents and is expected to grow by an additional 43,000 people to 2016 at a rate of 2.76% per annum. The cultural diversity of the City is significant and approximately one-third of residents were born overseas and originate from over 30 different ethnic backgrounds such as Britain, New Zealand, Vietnam and Italy. The largest Aboriginal population of any local government in the metropolitan area of Perth resides in the City of Swan.

The City faces many sustainability challenges including:

- Conserving and managing of natural assets such as large tracts of bushland in private ownership and minimising the impacts of urban development and rural activity on waterways, water catchment areas and local natural assets.
- Managing rapid population growth through sustainable land release and urban development forms that facilitate effective use of land, infrastructure and resources and ensuring that urban areas adapt to changing needs over time and to regenerate and revitalise older residential and commercial areas.
- Promoting housing diversity, innovation and affordability through urban infill and land development projects.
- Preserving vast rural hinterlands through rural economic development that adds value to existing activities and assets and promotes Swan's competitive advantages.
- Creating a wide range of local employment and learning opportunities to service the rapidly growing population through business development and growth; and skill development.
- Providing sustainable levels of community facilities and services, including equitable transport systems and facilitating community self-management through community capacity building.
- Creation of a sense of place that builds on Swan's unique and diverse characteristics while promoting a cohesive regional identity.

¹ Inclusive of 'Part' Suburbs

Location of the City of Swan



LEGEND

- City boundary
- River
- Major road
- Railway
- ▨ Residential areas
- Commercial areas
- ▩ Industrial areas
- ▤ State Forest
- H.V. Electricity reticulation
- W.A. Natural Gas pipeline
- ✈ Perth International Airport
- ✈ Pearce Air Force Base

Disclaimer: Information shown on this plan, whilst believed to be correct at the time of preparation, must be verified with the relevant data source and the City of Swan accepts no responsibility for its accuracy or any matter arising from its use.

Statement of Purpose

This is a Memorandum of Understanding (MOU) between the City of Swan and the Government of Western Australia.

The City of Swan and the Government of Western Australia enter into this arrangement with the intention of working cooperatively to achieve sustainable social, environmental and economic development in the City of Swan, for its residents and all other people involved with the City.

The MOU confirms the principles of a constructive and valued working relationship recognising the specific roles and obligations of each party.

In entering into this arrangement, the parties agree to abide by the underlying principles and commitments established by the Government of Western Australia, the Western Australian Local Government Association and the Local Government Managers Association (WA) in their Partnership Agreement of December 2002 (Schedule A) which commits to *"improving cooperation between State and Local Government to enhance the sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels."*

Scope of the MOU

The MOU recognises that both the State Government and Local Government have a commitment to sustainability and have an intention to pursue the development and implementation of selected initiatives. In particular this MOU:

- confirms the commitment of the Government of Western Australia and the City of Swan to a Sustainability Framework consisting of sustainability definition, principles and strategic goals (described within Schedule B);
- establishes a commitment to define protocols and mechanisms for the parties to work constructively on State and/or Local Government projects, and/or support infrastructure, service provision, administrative arrangements and process improvement activities that are integral to achieving the Sustainability Vision and Sustainability Framework; and

- establishes priority areas of focus for the 3 years 2004/05 to 2006/07, with an agreed agenda for addressing significant sustainability issues and actions of common interest to the City of Swan and the Government of Western Australia for planning, consultation, resolution and, where appropriate, implementation (described within Schedule C).

The MOU is intended to guide future working relationships between the parties which may result in specific joint ventures, service provision agreements and cooperative administrative processes and practices, to other specific project arrangements.

The MOU confirms recognition of the importance of the parties working together on the development and/or implementation of projects and other initiatives consistent with the Sustainability Framework. Schedule D details primary contacts and liaison points between the City of Swan and various agencies of the Government of Western Australia.

Sustainability Vision for the City of Swan

The parties share a sustainability vision of:

“strong family and business communities in the City of Swan, founded on sustainable social, environmental and economic conditions that are enhanced by cooperative planning and development involving the City of Swan and the Government of Western Australia”.

Objectives of the MOU

The practical outcomes sought by the City of Swan and the Government of Western Australia in the execution of the MOU include:

- ensuring a continued focus on achieving sustainable outcomes that contribute to the maintenance and enhancement of environmental, social, cultural and heritage values of the City of Swan, are reflective and responsive to the rapid growth and diversity of the City of Swan as an outer metropolitan authority and maximising the benefits for the City of Swan, the region and the State;
- adherence to an agreed framework for planning and working together through effective communication, consultation and cooperation; and coordination of resources, in the planning and delivery of agreed priority initiatives; and

- adherence to agreed protocols for liaison, consultation and collaboration between the State Government, State agencies and the City of Swan.

Planning and Working Cooperatively

As agreed, the City of Swan and the Government of Western Australia will establish:

- arrangements, including joint ventures or projects, where the Government of Western Australia and the City of Swan commit assets, funds, resources, staff or services to specific initiatives,
- service level agreements related to the provision of services; and
- officer level liaison groups to facilitate effective planning, project development and implementation, day-to-day working practices and work flows.

Respect for Roles

The Government of Western Australia and the City of Swan acknowledge the roles, expertise and accountabilities of their respective organisations and will, at all times, endeavor to meet the intent of this MOU and any subsequent working arrangements.

Consultation and Communication

The parties will pursue working relationships based on honest, open and frank communication and consultation, as appropriate, in relation to each other, communities and business.

The City of Swan and the Government of Western Australia will communicate and/or consult, as appropriate and in accordance with established protocols, on all major public announcements related to initiatives pursued under the MOU.

The parties recognise the place a discipline of confidentiality plays in good corporate governance and commit to ensuring the integrity of processes where commercial or other sensitive material is exchanged or discussed.

Implementation of the MOU

An annual work program will be provided to the MOU parties by the MOU Advisory Committee that identifies key current and emerging issues or prospective projects, joint ventures, service level agreements or other administrative agreements and related activities to demonstrate compliance with the intent of the MOU.

The annual work program will aim to facilitate, through resourcing, planning, consultation and cooperation, the timely implementation of agreed priority initiatives.

Coordination of approved initiatives will progress under the guidance of appropriate project management groups, reporting to the MOU parties through an MOU Advisory Committee.

Review of the progress and implementation of the MOU will occur through reporting, not less than annually, to the Office of the Premier and the City of Swan Council by the MOU Advisory Committee. The review will occur in conjunction with the preparation of the annual work program.

Establishment of an MOU Advisory Committee

An MOU Advisory Committee will be established.

Composition

The MOU Advisory Committee will be comprised of representatives of the City of Swan, key State Government agencies and the local parliamentary member.

The Committee will be jointly hosted and supported by the City of Swan and a nominated State Government agency on behalf of the Government of Western Australia.

The State Government intention is for decision-making level representation (senior manager or above) by all State Government agencies on, or meeting with the Committee.

Role

The MOU Advisory Committee will:

- consider, advocate and promote projects, proposals and activities to give effect to the principles and intent of this agreement;
- facilitate the provision of appropriate key stakeholder advice on critical priorities, policies and standards associated with proposals and projects that enhances formal and statutory mechanisms;
- work to facilitate effective and balanced communication and consultation, between the parties subject to the MOU conditions and also with the community, on proposals, projects and outcomes;
- facilitate the provision of appropriate funding and other resource commitments to proposals and projects; and
- monitor and assess progress, operational and financial accountability, of proposals and projects, and provide appropriate status reports to the Government of Western Australia and the City of Swan to support policy consideration and information dissemination.

Resourcing

The MOU will be sufficiently resourced to enable effective operation by both the City of Swan and the Government of Western Australia.

Communication Protocols

The MOU Advisory Committee will develop protocols to guide how the Committee communicates and provides notification or advice to each other and to the City of Swan and State Government agencies respectively.

Specific protocols for communication and notification may be made on a project-by-project basis.

Agreement in Good Faith

Despite anything expressed or implied to the contrary in this MOU or anywhere else, this MOU is a non-justiciable statement of current intent, and is neither intended to be, nor is it, (a) legally binding, or (b) creative of legal relations between the parties to it. No legal rights or obligations will come into existence unless or until one or more legally enforceable written agreements are entered into.

The parties may periodically choose to renew the intentions and arrangements set out in the MOU.

Break Clause

The MOU is an expression of intent to abide by operating principles aimed at guiding the operations of the two parties as they pursue issues and initiatives of common interest.

The MOU can be amended by mutual agreement.

Either party can terminate the MOU.

The MOU can also be used as the base upon which to establish more detailed arrangements.

Dispute Resolution Process

Disputes between the parties, arising from the operation of the MOU will be resolved by the City of Swan and the Government of Western Australia represented by their nominees.

Disputes arising from specific initiatives can be referred to the MOU Advisory Committee and then if not resolved, can be referred to appropriate senior management of the City of Swan and the Government of Western Australia agencies.

MOU Term

The MOU dates from 27th October 2004 and will prevail until altered in accordance with the Break Clause conditions (mentioned above).

Signed by:



Hon Dr Geoff Gallop, MLA
**PREMIER, FOR AND ON BEHALF OF
THE STATE OF WESTERN AUSTRALIA**

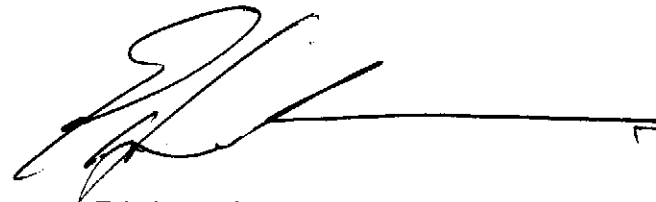


Charlie Gregorini
**MAYOR, FOR AND ON BEHALF OF THE
CITY OF SWAN**

In the presence of:



Jaye Radisich, MLA
MEMBER FOR SWAN HILLS



Eric Lumsden
**CHIEF EXECUTIVE OFFICER
CITY OF SWAN**

Schedule A - Partnership Principles (State/Local Government Partnership Agreement, 4 December 2002)

Overarching Principles

A commitment to improving cooperation between State and Local Government to enhance sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels.

A commitment to:

Partnerships

- Recognise that partnerships between State and Local Government are essential to achieve sustainable social, environmental and economic development for the Western Australian community.
- Be flexible and open to new approaches to service delivery.
- Be sensitive and responsive to the needs and constraints of both spheres of government at the local level.
- Recognise that new partnership agreements can be initiated by either State or Local government.

Roles and Responsibilities

- Identify and understand the roles and responsibilities of both spheres of Government.
- Ensure that these roles and responsibilities are considered and respected in all government decisions.
- Recognise and respect the role that each plays in enhancing sustainable social, environmental and economic development of Western Australia.

Communications

- Open and timely communication on issues of relevance to sustainable social, environmental and economic development of Western Australia.
- Recognise the need for confidentiality of discussions until a mutually agreed time.

- Recognise the State and Local Governments may use different processes to communicate with constituent groups

Consultation

- Purposeful consultation at mutually agreed stages to facilitate understanding and agreement.
- Recognise and account for the different decision making processes for both spheres of government.

Service Delivery

- Continual improvement in the efficiency, effectiveness, timeliness and appropriateness of government service delivery.

Outcomes

- Agreements with defined and agreed outcomes and performance measures.
- Promote a realistic approach to funding and resource issues.
- Contribute resources and expertise to the partnership process.

Accountability

- A transparent approach where changes to roles, responsibilities and budgets are negotiated and agreed and resources necessary to implement changes are identified.
- Undertake open assessment of the effectiveness of agreements.
- Have clearly defined reporting, dispute resolution and review mechanisms.

Schedule B – Sustainability Framework

This schedule provides the sustainability framework based on *Hope for the Future: The Western Australian State Sustainability Strategy* (September 2003) and *Foundations for the Future: Quality of Life in the City of Swan* (September 2001).

Sustainability is defined as “meeting the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity”.

A model for sustainability will be pursued by the parties through this MOU and specifically focus on Sustainability Principles and Strategic Goals of the State Sustainability Strategy and the City of Swan Community Plan.

Sustainability Principles

- A successful transition to a sustainable future for the State of Western Australia;
- A practical and distinctive Western Australian contribution to global sustainability;
- Balancing the best use and protection of our natural environment;
- Vital towns and cities for all Western Australians;
- Strong, well-informed and engaged communities; and
- Integrated planning and systems that facilitate sustainable economic growth.

Strategic Goals

State Sustainability Strategy

Governance	Global Contributions	Natural Resources	Settlements	Community	Business
Ensure the way we govern is driving the transition to a sustainable future	Play our part in solving the global challenges of sustainability	Value and protect our environment and ensure the sustainable management and use of natural resources	Plan and provide settlements that reduce the ecological footprint and enhance quality of life at the same time	Support communities to fully participate in achieving a sustainable future	Assist business to benefit from and contribute to sustainability

City of Swan Community Plan

Health	All people have an optimal level of health that enables them to live productive and fulfilling lives.
Personal Wellbeing	People's basic needs are met and their personal aspirations, achievements and relationships contribute to a fulfilling and satisfying life.
Cohesive Communities	Individuals, families and groups participate in and contribute to community life and wellbeing, share a sense of belonging and connection, respect diversity and enjoy equal opportunity.
Culture	A community in which all members engage in, contribute to, and celebrate the cultural life of the community.
Employment and Learning	A broad range of employment and learning options are available locally to provide rewarding work for current and future local residents.
Business Development	Competitive, diverse and growing business networks that provide local employment and accommodate the changing needs of markets.
Regional Identity	The City of Swan has the lead role in ensuring that the Swan region is recognised as a growing, vibrant economy, with high quality of life, and as an ideal place to live, work and invest.
Liveable Communities	A diversity of places for living that are valued as attractive, safe, comfortable and convenient, that support participation in community life and contribute to ecological sustainability.
Productive Places	Efficient and responsive places supporting a diverse range of economic and community activity that enables equitable access to a wide range of goods and services, employment opportunities and economic prosperity.
Biodiversity	Viable populations of native species across their natural range that maintain their genetic diversity and sustain them into the future.
Resource Consumption	Consumption of resources is sustainable, allowing the needs of the present to be met without compromising the ability of future generations to meet their needs.

Schedule C – Priority Focus Areas

This is a schedule of priority projects and activities of interest to the City of Swan and the Government of Western Australia and will form the basis for common focus for the MOU parties and may be reviewed from time to time:

Demonstration projects on the theme of Place Management

- Ellenbrook Regional Centre – planning and developing a sustainable regional centre to include a wide range of commercial and civic activities (including proposed Ellenbrook High School and library) and mixed use housing
- Midland Strategic Regional Centre Revitalisation – sustainable regeneration of a Strategic Regional Centre including Midland Educational Precinct, Midland Train Station and Railway Workshops redevelopment, Woodbridge / Viveash Riverside Park, Midland Cultural Precinct and development of a Midland Centre Plan to guide land use and development
- Urban Growth Management through Structure Planning for Henley Brook (Albion), West Swan and proposed southern end of Whiteman Park, infrastructure coordination and land release staging, innovations in housing diversity, sustainability assessment methodologies and infill revitalisation
- Industrial Centres – development, revitalisation and growth of industrial activity within defined centres and implementation of cleaner production and more efficient resource consumption initiatives
- Preservation and Revitalisation of Rural Hinterlands – developing integrated Place Plans for Gidgegannup, Bullsbrook and the Swan Valley

Environmental Projects of Metropolitan or Regional Significance

- Nutrient Management / Water Sensitive Urban Design – minimising nutrient export to Ellen Brook and Swan River catchment through WSUD principles at Henley Brook (Albion) and Egerton (The Vale) and implementing the objectives of related water resource management and quality policy and legislation
- Protection and Management of Local Natural Assets - implementation of Bushforever through structure planning, negotiated agreements and management of land, agreed mechanisms for wetlands and watercourse management and implementation of City's draft Biodiversity Strategy
- Swan River Regional Park – implementation of Swan River Trust's Plan

Transit Projects of Metropolitan or Regional Significance

- Planning and Construction of Major Regional Roads – Lloyd Street, Roe/Reid Highway, Hepburn Ave
- Improving Public Transport Services, especially intra-regional transport

- Integrating Transport and Land Use / Transit Oriented Development – infill redevelopment of Guildford Train Station, Henley Brook new urban area (Albion) along proposed MRS Transit corridor and proposed urban development at southern end of Whiteman Park
- Development of a Regional Transport Strategy (being led by Eastern Metropolitan Regional Council)

Development of Community Capacity and Cohesion

- Implementation of Midland Early Years projects, focusing on the coordination of programs and services for families and children and the expansion of the project beyond the original Midland pilot area to encompass other 'hubs', including Ellenbrook, Bullsbrook and Ballajura
- Development of Community and Economic Development Plans for new urban areas
- Capacity building for marginalised groups including the development of social enterprises to build individual and community capacity and provide opportunities for participation and inclusion
- Support for volunteering and voluntary agencies to provide opportunities for business/community partnerships through skills sharing and enable agencies to provide high quality programs to improve the quality of life for community members
- Development of collaborative early intervention and support initiatives to engage young people in programs to address identified risk factors associated with crime and anti-social behaviour

State-Local Government Planning and Process Improvement

- Environmental Management – clarification of roles and responsibilities between Local and State government
- Urban Growth Management – managing the location, timing and form of urban growth, especially new urban areas through Structure Planning processes
- Integrated Planning and Service Delivery
- Sustainability Strategy Implementation Projects

Schedule D – Agency Representatives

Agency	Representative
State Member for Swan Hills	Jaye Radisich
City of Swan	Mayor of the City of Swan - Charlie Gregorini Executive Manager Strategic Community Planning - Martin Richardson Group Manager Community Planning - Fiona Weigall Senior Strategic Planner - Tracy McQue Senior Environmental Planner - Trina Anderson Manager Community Development - Linda Richardson
Department of the Premier and Cabinet	Principal Policy Officer – Terry Lewis
Department of Education and Training	District Director - Rose Moroz
Department for Planning and Infrastructure	Coordinator Revitalisation Projects – David Patman
LandCorp (WA Land Authority)	Business Development Manager - Phil Slater
Midland Redevelopment Authority	Director of Planning - Megan Bartle
Department of Housing and Works	Strategic Land Planner - Richard Elliot
Department for Community Development	Manager Midland Office - Irene Thomas
Department of Environment / Waters and Rivers Commission	Senior Environmental Officer - Leon Brouwer
Swan River Trust	Principal Assessments Officer - Peter Tapsell
Department of Local Government and Regional Development	Manager Policy – Ross Mannion
Department of Health (East Metropolitan Population Health Unit)	Director - Dr Charles Douglas

