



Our Ref: WAT3
Your Ref:
Enquiries: Nigel Bancroft

February 21, 2007

Assistant Director Licensing
Economic Regulation Authority
Level 6 Governor Stirling Tower
197 St Georges Tce
PERTH WA 6000

Dear Sir/Madam

I refer to your Notice of invitation for public submissions in respect of the application from the Water Corporation to amend its Water Services Operating Licence No 32. This submission is made pursuant to the extended period for submission as advised by the ERA.

In general terms the Shire wishes to express its concern in respect to the lack of prior consultation with primary stakeholders on the proposal by the Water Corporation and also by the Department of Water who, it is understood, have provided formal support to the proposal. With no direct notification of the proposed change provided to affected Local Governments it appears that, if not for the vigilance of a number of community members, the proposal may well have progressed without community scrutiny and this is considered unacceptable for a proposal that has significant implications for flood management in this Shire at least.

Following issue of the Notice calling for submissions the cooperation of the Water Corporation SW office in providing a briefing on the proposed changes to representatives of the Shire and the local branch of the Farmers Federation is acknowledged. While this briefing, and the clear statement from the Water Corporation that "None of the works proposed to be deleted from Clause 7.9 will become the responsibility of Local Government" (22 January 2007, correspondence from Manger Development Services), has assisted in the understanding of the proposal there is still concern in respect to the implications for the flood protection of new development areas in the Shire located in proximity to the identified rural drainage network.

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Specifically the Shire submission is as follows.

Clause 7.8.

No objection to the proposed amendment, although as an observation the applicability of a 30 year old standard to the infrastructure is something that would appear to warrant review and consultation with relevant catchment management agencies on this issue is recommended.

Clause 7.9.

Vasse River Diversion. It is the Shire understanding that with the construction of 2 of the 3 flood protection compensating basins on the Vasse River Diversion (VRD) the current level of flood protection is well above a 1:20 ARI and on completion of the third basin, which is currently under construction, will be at 1:100 ARI. Given this imminent improvement to the flood protection performance of the VRD it is submitted that the table should be amended to reflect a 1:100 ARI, consistent with the Preston River Levees and accepted flood protection standards around Australia. This will provide the necessary confidence for land use planning for future residential expansion to continue in accordance with the West Australian Planning Commission endorsed Busselton Urban Growth Strategy, which provides for significant development in the immediate vicinity of the VRD.

Buayanyup Drain and Vasse/Wonnerup Floodgates.

The deletion of the Buayanyup Drain and the Vasse/Wonnerup floodgates from the flood protection works table is acknowledged and accepted from the perspective of the Water Corporation rural drainage obligations. This infrastructure is however located within areas subject to ongoing development, particularly Vasse Newtown, with the flood protection role of these structures considered in previous urban planning. Correspondingly there is concern with respect to the deletion of these works from the flood protection table without a prior strategic analysis being undertaken of implications generally and for other district flood protection works that may be required, and clear documentation of the responsibility for such works. Correspondingly the Shire is seeking the establishment of a tripartite agreement with the Department of Water and the Water Corporation to undertake a district flood study for the greater Busselton urban area and allocation of responsibility for works that may arise from such a study prior to any change to the operating licence being made that affects these works. This will allow for review and confirmation of the adequacy of measures used and planned, and those that may be required, for new development areas to ensure they are based on the flood protection works as only meeting a 1977 rural drainage standard and the downstream implications that this may have.

Thank you for the opportunity to comment on this proposal and if you require further information or expansion on the issues raised please do not hesitate to contact the undersigned.

Yours faithfully



NIGEL BANCROFT
DIRECTOR, LIFESTYLE DEVELOPMENT