

Explanatory Note

Draft State Planning Policy 2.9

Planning for Water and Planning for Water Guidelines

These explanatory notes provide an overview of the Water Policies Review and a summary of key changes.

1 INTRODUCTION

Water is a basic requirement of life. The health and wellbeing of the community, the environment and the economy are all dependent upon water that is of sufficient quantity and quality. Groundwater, surface water and desalinated water support a wide range of ecological and human use values such as drinking water, amenity, recreation, tourism, agriculture, fishing, aquaculture, mining, industry and cultural heritage.

Western Australia's water resources are vulnerable and subject to increasing pressure from climate change and land uses, that can affect both quality and quantity of water. Climate change in Western Australia has already resulted in changes to rainfall patterns, increased temperatures and sea level rise, which has in-turn impacted the reliability and quality of our water resources. For example, decreased rainfall in the south west land division of the State is resulting in lower recharge to groundwater and surface water flows into waterways and reservoirs.

Land use change and development required to support a growing population can impact water resources through changes to hydrological regimes, ecological health, contamination, water demand, salinisation and eutrophication. Planning plays an important role in ensuring that future development is located adequately, serviced with appropriate wastewater, stormwater, and groundwater management infrastructure, and contributes towards the management of water quality and quantity, ecological health and the social and cultural values of water.

1.1 Water Policies Review

The current land use planning water policy framework consists of six state planning policies, policy measures within SPP 3.4 Natural Hazards and Disasters, the Government Sewerage Policy (2019) and Better Urban Water Management. These documents range in age (developed between 1992 and 2017), are written in varying styles, overlap and contradict one another. This outdated framework required amendments to better respond to the anticipated impacts from population growth, changing climate, differing land uses and economic trends.

The key to achieving better water outcomes is an integrated land use and water resource management approach. The draft State Planning Policy 2.9 Planning for Water (SPP 2.9) and Planning for Water Guidelines (Guidelines) outline how water resource management should be integrated into planning and development decision-making.

Draft SPP 2.9 and Guidelines were prepared under Part Three of the *Planning and Development Act 2005* and will apply to proposals prepared and assessed under the Act. Once gazetted, the new SPP 2.9 and Guidelines will supersede:

- *SPP 2.1 Peel-Harvey Coastal Plain Catchment*
- *SPP 2.2 Gnamagara Groundwater Protection*
- *SPP 2.3 Jandakot Groundwater Protection*
- *SPP 2.7 Public Drinking Water Source Policy*
- *SPP 2.9 Water Resources*
- *SPP 2.10 Swan-Canning River System*
- the policy measures that address flooding within *SPP 3.4 Natural Hazards and Disasters*
- the *Government Sewerage Policy*
- *Better Urban Water Management*.

Draft SPP 2.9 should be considered in conjunction with the Guidelines and the policy mapping, available on PlanWA. The policy mapping provides clear spatial guidance on the application of the policy's specific measures and includes:

- Public drinking water source areas
- Peel-Harvey Coastal Plain Catchment
- Swan Canning River system
- Sensitive water resource areas.

Appendix 1 provides a table of contents outlining the draft SPP 2.9 and Guidelines.

1.2 What has changed?

The intent of draft SPP 2.9 and Guidelines is to deliver greater clarity around how water-related matters are implemented. Draft SPP 2.9 and Guidelines streamline and simplify the current water policy framework, consistent with the planning reform agenda and responding to stakeholder feedback. It provides a policy that is easy to navigate, has a greater focus on outcomes, and provides an enhanced line-of-sight through the broader planning system.

Draft SPP 2.9 retains the fundamental policy implementation approach and contains some new requirements, new implementation guidance and a range of other improvements as outlined in Figure 1.

Draft SPP 2.9 includes policy outcomes to guide decision-maker discretion, provide a direct line-of-sight for the policy measures and an enhanced basis for monitoring and evaluation of policy outcomes. The outcomes focus on the contribution that draft SPP 2.9 and Guidelines (and the broader planning system) can deliver toward broader whole-of-government water outcomes.

Figure 1: Key changes and improvements

Current framework	VS	New framework
<ul style="list-style-type: none"> • Outdated government department references and agency roles and responsibilities. • Outdated references to other legislation and policy instruments. • Doesn't reflect significant changes to legislation (i.e. the <i>Planning and Development Act 2005</i> and the <i>Swan and Canning Rivers Management Act 2006</i>). • Includes reference to some seldom used, technically complex processes. 	key content changes and additions	<ul style="list-style-type: none"> • Clarification that water management requirements apply to all forms of development such as industrial and rural residential, not just residential. • New measures to reduce nutrient export to the Peel-Harvey estuary system. • New guidance on the construction of private dams, waterway crossings, rural drains, dewatering, climate change and cumulative impact assessment. • Removal of references to the preparation of Swan Canning River precinct plans (now addressed under the <i>Swan and Canning Rivers Management Act 2006</i>). • Clarified and strengthened policy measures regarding development in flood-prone areas (to supersede <i>SPP 3.4 Natural Hazards and Disasters</i> flooding content). • Stronger emphasis on considering water early in planning stages. • New measures requiring the consideration of water-related Aboriginal and historic heritage matters. • Clearer guidance included on the preparation of water management reports. • Updated referencing and terminology for technical processes and agency roles and responsibilities.
<ul style="list-style-type: none"> • Mapping updates are difficult due to legislative requirements to amend state planning polic. • Current Swan Canning River mapping limits the extent of what could affect the waters of the Swan River. • Swan Canning Development Control area boundary and regulatory arrangements are not clear. 		<ul style="list-style-type: none"> • New policy mapping identifying WA's sensitive water resource areas. • Reference included to the Department of Primary Industries and Regional Development's soil mapping to provide guidance on nutrient risk. • New links to the Department of Water and Environmental Regulation's flood mapping. • Swan Canning Development Control Area boundary included in policy mapping.
<ul style="list-style-type: none"> • Complex and fragmented policy. • Duplicated information from legislation and policy instruments administered by other agencies. • Sub-optimal linkage and cross-references between policies and guidelines. 	structural arrangements	<ul style="list-style-type: none"> • Modern, simplified, consolidated and streamlined policy. • Facilitates holistic consideration of water matters in an integrated manner. • Minimised regulatory overlap and duplication with legislation and policy instruments administered by other agencies. • Strong linkage between draft SPP 2.9 and Guidelines for enhanced implementation and clearer legal basis. • Delivers on the planning reform agenda. • A clearer focus on strategic planning and decisions under the <i>Planning and Development Act 2005</i>. • Policy is focused on what land use planning can deliver in terms of water conservation and protection. • Retitled to accommodate a broader scope of water considerations.
<ul style="list-style-type: none"> • Varying policy ages and inconsistent drafting style. • Inconsistencies (i.e. sewerage provisions) and content duplication. • Significant amount of text covering background information. • Some existing measures are ambiguous and difficult to implement and/or measure. • Some technical complexity and content more appropriately administered by another agency. • Some policies have limited implementation guidance. 	drafting style	<ul style="list-style-type: none"> • Clear, modern writing style for consistent implementation of the policy. • Inclusion of planning outcomes and guiding principles to guide discretion in decision-making and to provide line-of-sight from policy outcomes to policy measures through to guideline content. • Enhanced basis for monitoring and evaluation. • Wording of measures is direct, and the responsibilities/requirements of each stakeholder is made clear. • Policy content is to the point and there is a clear delineation between policy content and guideline content.

2 DRAFT SPP 2.9 PLANNING FOR WATER AND PLANNING FOR WATER GUIDELINES

2.1 Guiding principles

Draft SPP 2.9 includes guiding principles to provide the contextual framework for policy implementation across the State where water-related planning issues vary considerably. These principles (refer to Figure 2) should be used to guide the proponent in the preparation of a water management report and for the decision-maker to acknowledge when determining planning proposals that consider water resource matters.

2.2 Inclusion of the Government Sewerage Policy

The Government Sewerage Policy (GSP) and explanatory notes established the Western Australian Government's position on the provision of reticulated sewerage in the State for the planning and development of land.

The GSP was finalised in 2019 with the understanding that it would be incorporated within the new SPP 2.9 given the interaction with and similar objectives between the GSP and SPP 2.9.

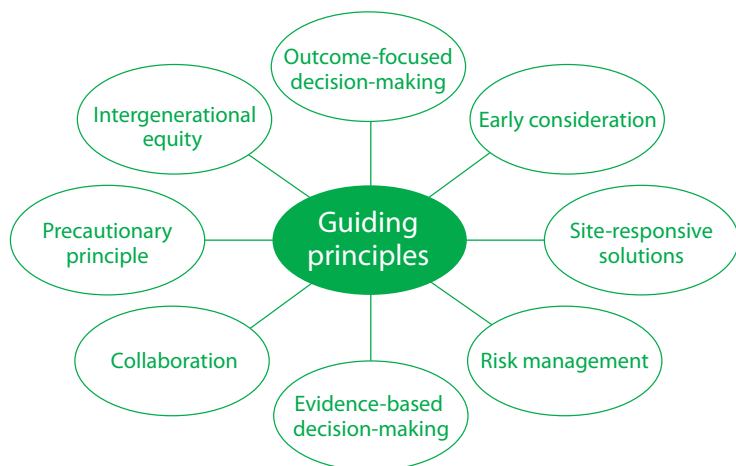
Since the GSP was released, issues have arisen with its implementation, which has resulted in some change to the sewerage policy provisions within draft SPP 2.9.

Large parts of WA where development is occurring are on soils with low nutrient retention capability, particularly on the Swan Coastal Plain. However, there are areas of WA where soils have a much higher capability to retain nutrients and prevent them from leaching to receiving waters. On these soils and where lot sizes are large, the risk to receiving water bodies is substantially less than on smaller lots on low nutrient retentive soils. This risk-based approach better responds to the proposal's site characteristics and risks posed to the surrounding environment and provides decision-makers with the discretion to not require nutrient-stripping systems.

The GSP requires secondary treatment systems that reduce effluent nutrient concentrations to very low levels (phosphorus <1mg/L, nitrogen <10mg/L) in sewerage sensitive areas and public drinking water source areas. This is regardless of the nutrient retentive capability of the soil. There is currently a very limited number of secondary treatment systems capable of achieving these concentrations. The GSP required concentrations are also not consistent with *AS/NZS 1546 On-Site Domestic Wastewater Treatment Units Secondary treatment systems* that require nutrient concentrations of less than 2mg/L for phosphorus and nitrogen concentrations of less than 15mg/L. Draft SPP 2.9 now aligns with and recommends secondary treatment with nutrient retention in accordance with *AS/NZS 1546*. This change has significantly increased the number of systems available for installation.

Stakeholders advised that the GSP is being applied to other government-related approval processes for which it was not intended, such as the determination of applications for on-site systems made under the

Figure 2: Guiding principles



Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. It is apparent that further clarity is required in the intended application of the policy's measures.

Some stakeholders believe that the GSP's information requirements for on-site sewage disposal proposals (for example, site and soil evaluations) are onerous in certain circumstances, particularly in lower risk regional areas, as well as where site characteristics are better known, specifically soil type and topography. There is a need for more discretion in applying the policy's information requirements, where the risks are lower.

In response to these implementation issues, the following key changes have been made to some of the GSP's requirements. The draft SPP 2.9:

- states that a secondary treatment system with nutrient removal are recommended in sewerage sensitive areas *"where soils have low capacity to retain nutrients and lots less than 1 hectare are proposed"* and in public drinking water source areas
- outlines the performance for the secondary treatment system with nutrient removal consistent with *AS/NZS 1546 On-Site Domestic Wastewater Treatment Units Secondary treatment systems*
- applies only to proposals prepared and assessed under the *Planning and Development Act 2005*
- rationalised information requirements in support of planning proposal and states *"the level of information required will be commensurate with the scale and nature of the proposal"*.

2.3 Guideline for establishing wetland buffers

A separate body of work is underway to review and enhance guidance for the establishment of wetland buffers through the land planning process. This guidance document, when completed, will go through a separate consultation process.

3 HAVE YOUR SAY

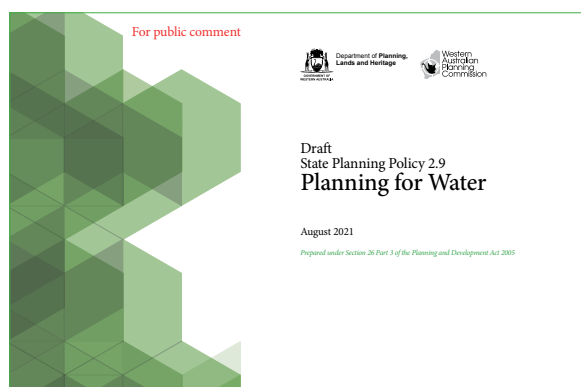
Draft SPP 2.9 and guidelines are available for public comment at <https://consultation.dplh.wa.gov.au/policy/draft-state-planning-policy-2-9-planning-for-water>. Alternatively, written submissions can be posted to: Western Australian Planning Commission, Locked Bag 2506, Perth WA 6001.

Public comment closes at 5pm Monday 1 November 2021 and late submissions will not be considered.

Once consultation has closed, the next steps are:

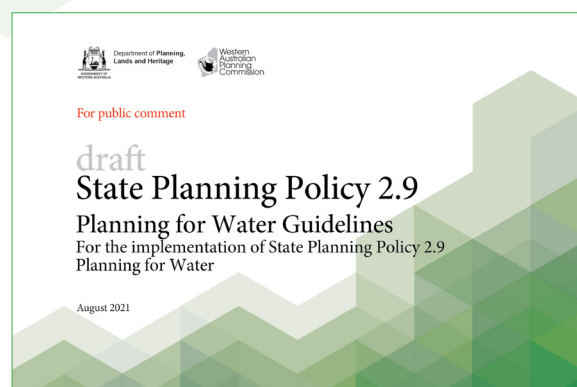
- public submissions will be collated and analysed
- required amendments to SPP 2.9 and Guidelines will be made in consultation with key stakeholders
- approval of the final SPP 2.9 and Guidelines will be sought from the Western Australian Planning Commission
- Gazettal is anticipated to occur in early 2022.

APPENDIX 1: THE STRUCTURE OF THE DRAFT SPP AND GUIDELINES



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