



# Policy

Title:	Land use compatibility in public drinking water source areas
Sub-title:	
Published:	August 2021

## 1. Purpose

This policy is the Department of Water and Environmental Regulation's (department's) position on how to manage land uses and activities within public drinking water source areas (PDWSAs) in Western Australia (WA). It maximises the protection of water quality and public health, by having a presumption against intensifying land uses.

This policy is implemented through the department's *Water quality protection note (WQPN) 25: Land use compatibility tables for public drinking water source areas*, which outlines how to prevent, minimise or manage risks from land uses in PDWSAs. This is achieved by guiding state and local government decision-making on land use planning in PDWSAs.

## 2. Scope

This policy applies within PDWSAs in WA that are constituted under the *Metropolitan Water Supply Act 1909* or the *Country Areas Water Supply Act 1947*, as underground water pollution control areas, catchment areas or water reserves.

There are some sources of drinking water that are not constituted PDWSAs. These include potential future sources and those that are managed by other agencies or entities, such as Aboriginal community and mine site sources. These sources are not subject to this policy, but the compatibility of the land uses in their catchments or recharge areas should be guided by its content.

## 3. Context

This policy implements the *Australian drinking water guidelines* (NHMRC & NRMCC 2011, August 2018), which were endorsed for implementation by the WA Minister for Health in 2019. The guidelines are the national standard for managing public drinking water supplies under a 'catchment to consumer' framework, with the underlying principle of preventing risks (rather than a traditional risk management approach), and using multiple barriers to protect against possible contamination events.



The policy is designed to complement and integrate with the land use planning and PDWSA protection program that is implemented by the Western Australian Planning Commission (WAPC) and/or the Department of Planning, Lands and Heritage and its delegated authorities. This integrated water and planning program was first developed by planning, water and health agencies in collaboration with water service providers in the 1990s and continues to successfully protect drinking water sources. It is even more vital today for the protection of water quality and public health, given our drying climate and growing population.

The WAPC is currently updating its state planning policy framework for public drinking water source areas, which will underpin this policy, and WQPN 25.<sup>1</sup>

## 4. Legislation

The department constitutes PDWSAs under:

- section 13(b) of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*
- section 9(1)(a) of the *Country Areas Water Supply Act 1947*.

By-laws<sup>2</sup> under each act can be applied within the PDWSA to prevent, manage or control activities that have the potential to contaminate the drinking water source. The department administers these by-laws, but sometimes delegates them to other parties (e.g. Water Corporation).

The department acts as an advisor to land use planning proposals submitted under the *Planning and Development Act 2005*.

See Appendix A for more detail on the context of this policy.

## 5. Outcome

This policy will help achieve safe, reliable and affordable drinking water sources for consumers across WA, for current and future generations. It will guide land uses and activities within PDWSAs so that they do not create an unacceptable risk to drinking water quality and public health.

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<sup>1</sup> Draft State planning policy 2.9: *Planning for water* is expected to be released for public comment during 2021. Check [www.planning.wa.gov.au](http://www.planning.wa.gov.au) for updates.

<sup>2</sup> The Metropolitan, Water Supply, Sewerage and Drainage By-laws 1981 and Country Areas Water Supply By-laws 1957.



## Document implementation

This policy comes into effect on the day it is published and replaces *Public drinking water resource policy no. 1 of 2004: Land use compatibility in public drinking water source areas* (Department of Environment).

The department's WQPN 25: *Land use compatibility tables for public drinking water source areas* implements this policy. It provides the department's advice on rezoning, subdivision, development and activities in PDWSAs. Land use planning decision-making authorities should have due regard to its content, as required by WAPC's state planning policy for PDWSAs.

If decision-making authorities plan to give a different recommendation for a land use from that provided within WQPN 25 (e.g. recommend that an 'incompatible' land use is 'compatible within conditions' or 'acceptable'), advice in writing should be sought from the department prior to issuing the decision, so the department can offer advice on the best possible protection for the PDWSA. This may include more information/evidence showing why a planning decision is different to the department's recommendation and its impact on water quality and public health risks.

All such variations will be collected over time by the policy custodian and will be used for input into future updates and improvements of this policy, WQPN 25 and WAPC's state planning policy.

In the event of any disagreement arising in relation to the application of this policy, refer the issue to the department's Executive Director, Science and Planning, as custodian of the policy.



## Related documents

Non-department documents	
Author	Title
Government of Western Australia	<i>Metropolitan Water Supply Sewerage and Drainage Act 1909</i> <i>Metropolitan Water Supply, Sewerage and Drainage By-laws 1981</i>
Government of Western Australia	<i>Country Areas Water Supply Act 1947</i> <i>Country Areas Water Supply By-laws 1957</i>
Government of Western Australia	<i>Planning and Development Act 2005</i>
Western Australian Planning Commission	State planning policy 2.2: <i>Gnangara groundwater protection</i> <sup>3</sup>
Western Australian Planning Commission	State planning policy 2.3: <i>Jandakot groundwater protection</i> <sup>3</sup>
Western Australian Planning Commission	State planning policy 2.7: <i>Public drinking water source policy</i> <sup>3</sup>
National Health and Medical Research Council & Natural Resource Management Ministerial Council	<i>Australian drinking water guidelines</i>

Department documents	
Author	Title
Water Source Protection Planning section	Strategic policy: <i>Protecting public drinking water source areas in Western Australia</i>
Water Source Protection Planning section	Water quality protection note 25: <i>Land use compatibility tables for public drinking water source areas</i>
Water Source Protection Planning section	<i>Water quality protection note series</i>

<sup>3</sup> The state planning policy framework for PDWSAs is currently being reviewed. State planning policy 2.9: *Planning for water* is expected to be released for public comment during 2021. Check [www.planning.wa.gov.au](http://www.planning.wa.gov.au) for updates.



## Custodian and review

The currency of this document will be continuously evaluated and reviewed as required.

Document details	
Lead group (custodian)	Science and Planning directorate Water Source Protection Planning section
Current version	August 2021
Previous versions	2004 (Department of Environment)
Corporate file number	5695-02



# Appendices

## Appendix A Context of this policy

*Table 1: Integrated planning and water context for this policy*

Hierarchy	Planning	Water
	Department of Planning, Lands and Heritage  Available <a href="http://www.planning.wa.gov.au">www.planning.wa.gov.au</a>	Department of Water and Environmental Regulation  Available <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
1. Legislation	<i>Planning and Development Act 2005</i>	<i>Metropolitan Water Supply, Sewerage and Drainage Act 1909</i>  <i>Country Areas Water Supply Act 1947</i>
2. Policy	<ul style="list-style-type: none"> <li>• <i>State planning policy (SPP) 2.7: Public drinking water source policy</i></li> <li>• <i>SPP 2.2: Gnangara</i></li> <li>• <i>SPP 2.3: Jandakot</i></li> </ul> (Draft <i>SPP 2.9: Planning for water</i> will replace these)	<ul style="list-style-type: none"> <li>• <i>Strategic policy: Protecting public drinking water source areas in WA</i></li> <li>• <b><i>This policy</i></b></li> </ul>
3. Guidance	Draft <i>Planning for water guidelines</i> are being preparing in conjunction with the new SPP	Water quality protection note no. 25: <i>Land use compatibility tables for public drinking water source areas</i>
4. Education materials	–	<i>Water quality protection note series</i>  <i>Water quality information sheet series</i>  <i>Water quality information brochures</i>



## Glossary

<b>Australian drinking water guidelines</b>	The <i>National water quality management strategy: Australian drinking water guidelines 6</i> (ADWG; NHMRC & NRMCC 2011, August 2018 update) outlines acceptable criteria for the quality of drinking water in Australia (see <i>References</i> ).
<b>Constitute</b>	Define the boundaries of any catchment area or water reserve by Order in Council under the <i>Country Areas Water Supply Act 1947</i> or by proclamation under the <i>Metropolitan Water Supply, Sewerage and Drainage Act 1909</i> .
<b>Gazette</b>	Publication within the Government Gazette of Western Australia of the Order in Council or proclamation defining the boundaries of any catchment area or water reserve.
<b>Order in Council</b>	Made under the Governor of Executive Council and published in the Government Gazette to constitute or abolish a catchment area or water reserve under section 9 of the <i>Country Areas Water Supply Act 1947</i> .
<b>Proclamation</b>	Made under the Governor of Executive Council and published in the Government Gazette to constitute or abolish a water reserve, catchment area or underground water pollution control area under section 13 and 57A of the <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i> .
<b>Public drinking water source area</b>	The area from which water is captured to supply drinking water. It includes all underground water pollution control areas, catchment areas and water reserves constituted under the <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i> or the <i>Country Areas Water Supply Act 1947</i> .
<b>Priority 1, 2 and 3</b>	Three different priority areas are assigned within PDWSAs to guide land use decisions. The objective of priority 1 (P1) areas is <i>risk avoidance</i> , priority 2 (P2) areas is <i>risk minimisation</i> and priority 3 (P3) areas is <i>risk management</i> .



## References

- Department of Water 2016, Strategic policy: *Protecting public drinking water source areas in Western Australia*, Government of Western Australia, Perth, available [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au).
- Department of Water and Environmental Regulation 2021, Water quality protection note 25: *Land use compatibility tables for public drinking water source areas*, Government of Western Australia, Perth, available [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au).
- Government of Western Australia 1909, *Metropolitan Water Supply, Sewerage, and Drainage Act*, State Law Publisher, Perth, available [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).
- 1947, *Country Areas Water Supply Act*, State Law Publisher, Perth, available [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).
- 2005, *Planning and Development Act*, State Law Publisher, Perth, available [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).
- National Health and Medical Research Council (NHMRC) & Natural Resource Management Ministerial Council (NRMMC) 2011, National water quality management strategy: *Australian drinking water guidelines*, Version 3.5 Updated August 2018, Australian Government, Canberra, available [www.nhmrc.gov.au](http://www.nhmrc.gov.au).
- Western Australian Planning Commission 2003, State planning policy 2.7: *Public drinking water source policy*, Government of Western Australia, Perth, available [www.planning.wa.gov.au](http://www.planning.wa.gov.au).