

16 August 2019

Mr Daniel Simms
Chief Executive Officer
City of Wanneroo
Locked Bag 1
WANNEROO WA 6946

Via email: enquiries@wanneroo.wa.gov.au

Dear Mr Simms

RE: DRAFT AMENDED LOCAL PLANNING POLICY 4.4: URBAN WATER MANAGEMENT

Thank you for the opportunity to provide feedback in relation to the above City of Wanneroo (the City) *Draft Amended Local Planning Policy 4.4 – Urban Water Management*. The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in Western Australia. UDIA is a membership organisation with members drawn from the residential, commercial and industrial property development sectors. UDIA members include both private and public sector organisations. Our industry represents approximately 12.7% of Western Australia's Gross State Product, contributing \$31.7 billion annually to the Western Australian economy and \$264.98 billion nationally. As well as helping to create sustainable and liveable communities, the industry employs a total of 215,100 Western Australians and 2.044 million Australians across the country.

UDIA commends the City for proactively seeking to maintain its guiding policies in a condition that provides guidance to the development industry seeking to undertake business within the City of Wanneroo. However, the Institute encourages the City to focus on developing a policy which concentrates on the desired outcomes, rather than being overly prescriptive as to the manner in which the outcomes should be achieved. Examples of this are provided in Table 1 below.

By focussing on outcomes rather than methods, the policy will remain relevant for longer and in the face of other changing processes, policies and guidelines. For example, Better Urban Water Management is currently under review, and the format, naming and content of water management plans and strategies is likely to evolve. A prescriptive policy will likely require updating sooner than one that is outcomes focussed.

Specific UDIA Comments on LPP 4.4

These specific comments on LPP 4.4 pertain to text within Part 2 Policy Provisions, Table 1. An overview of UDIA recommendations to address these concerns has also been provided.

Table 1: LPP 4.4 comments and potential recommendations

Location in Table 1	Text	Comment	Recommendation
Section 1: District Structure Plan, C1, page 5	District structure plans shall include the following wording as a statutory provision to support the development of a local water management strategy (LWMS).	District structure plans are not statutory documents, they are 'documents of due regard'. Consequently, any provisions cannot be statutory.	It is recommended that the word 'statutory' be removed from the provision.
Section 2: Local Structure Plan, B2, page 5	LWMS's shall address water allocation issues and requirements for public open space (POS) and school oval irrigation.	An LWMS is intended to document the status of water resources, provide indicative irrigation requirements for POS and school sites, and present a feasible water source. However, an LWMS should not be delayed to resolve irrigation requirements for a future state government asset (e.g. school sites), particularly where it may not be within a proponent's ability to find a source of water, nor to control the amount of water that may or may not be needed. This is particularly the case when some of these assets may not be realised for many years into the future.. .	Reword the requirement so the LWMS documents need to understand allocation issues and future demands, but not necessarily resolve these, particularly where the future land use will not be in the proponent's control.
Section 2: Local Structure Plan, B3, page 5	LWMS's shall include predevelopment monitoring data and results, collected by the developer, to demonstrate an understanding of local site conditions that affect or influence water management. The data provided will identify risk and determine the extent of ongoing monitoring required. Further detail is provided in Schedule 1. Where sensitive environments exist, monitoring should be for at least 18 months prior to lodgement of the LWMS. Where this timeframe has not been met the City shall defer assessment of the local structure plan until sufficient monitoring information has been supplied.	Data does not need to be collected by the developer to be relevant. Historical, regional and/or local monitoring conducted by other parties is relevant to understanding local site conditions. Consistent with <i>Water monitoring guidelines for BUWM strategies and plans</i> (DoW 2012), pre-development monitoring "may be up to two full years before site works begin." In some situations, 18 months may not be required. It should also be possible for the City to still consider/assess a local structure plan without a full monitoring dataset, provided that the monitoring either be underway, or can be completed by the time of detailed design.	We recommend that the LPP be updated to refer to DoW's (2012) guideline regarding the monitoring timeframe. We also recommend that the City allow a structure plan to be assessed without inclusion of a full monitoring dataset, provided that if it is required it is underway and then used to support the detailed designs for the site. These would then logically be included in a UWMP at subdivision stage.
Section 2: Local Structure Plan, C2, page 5	Local structure plans shall include the following wording as a statutory provision to ensure compliance with the LWMS at later development stages.	Local structure plans are not statutory documents, they are 'documents of due regard'. Consequently, any provisions cannot be statutory.	It is recommended that the word 'statutory' be removed from the provision.

Location in Table 1	Text	Comment	Recommendation
Section 4: Subdivision, B2, page 7	<p>Urban water management plans (UWMPs) shall include monitoring data and results, collected by the developer. The data provided will identify risk and determine the extent of ongoing monitoring required. Further detail is provided in Schedule 1. Sites shall be monitored until clearance of subdivision conditions. Monitoring results shall be supplied to the CoW and Department of Water and Environmental Regulation (DWER) quarterly or as agreed in the UWMP.</p>	<p>Pre-development monitoring does not always need to be completed 'by the developer'. Monitoring completed by other parties (e.g. state government, landscape group, etc.) is valid and can be relevant for a project.</p> <p>This standard also seems to refer to during construction monitoring (i.e. until clearance of subdivision conditions). The type of monitoring relevant during construction is not the same as monitoring completed pre-development and/or post-development (e.g. acid sulfate soil is only relevant while dewatering). Further, trigger values determined through pre-development monitoring do not apply during construction (e.g. is it reasonable to expect that surface water quality triggers are met when treatment structures have not been constructed?).</p>	<p>The standard be revised to remove reference to monitoring data being collected by the developer.</p> <p>The standard be clarified to require that monitoring needs to occur during construction where relevant, for appropriate parameters and at a frequency documented within an UWMP or Construction Environmental Management Plan.</p>
Section 4: Subdivision, C2, page 7	<p>If a LWMS does not exist, and an UWMP is not lodged with the subdivision application, the City will recommend that the WAPC refuse or defer the application until the UWMP is lodged.</p>	<p>If an LWMS doesn't exist information should be provided with the subdivision application to demonstrate that water management requirements can be accommodated. This can be achieved without a detailed UWMP and LWMS level detail should be sufficient.</p>	<p>It is recommended that the provision be edited to: If a LWMS does not exist, the subdivision application should include information to demonstrate that water management requirements can be spatially accommodated. Otherwise, the City will recommend that the WAPC refuse or defer the application until this information is provided.</p>
Section 4: Subdivision, C3, page 7	<p>"An UWMP is to be prepared and approved prior to the commencement of ground disturbing activities, consistent with the LWMS, to the satisfaction of the Western Australian Planning Commission (WAPC) on advice of the Local Government".</p>	<p>Can CoW please clarify that some ground disturbing activities (e.g. clearing, stockpiling, sand extraction) are able to occur should the appropriate approvals be secured? Section 4, B15, page 9 suggests this remains the case.</p> <p>Further, some local governments have allowed civil works (e.g. earthworks) to begin prior to approval of UWMPs at the developer's risk in accordance with the Department of Planning, Lands and Heritage's model subdivisions conditions schedule. This is a reasonable approach and does not preclude an outcome that the City will ultimately require, but can allow for more efficient project/construction scheduling.</p>	<p>It is recommended that the CoW provide sufficient flexibility in the policy to allow ground disturbing activities to occur subject to appropriate approvals, and for civil works to occur at the developer's risk. Therefore, it is recommended that this condition be amended or removed.</p>

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Section 4: Subdivision, B4, page 7	Landscaping and drainage infrastructure shall be complementary and result in usable POS that incorporates drainage where appropriate.	<p>Can CoW clarify what constitutes a usable POS area? For example, playground areas are usable, but not considered active. We would also argue that boardwalks and paths which integrate with vegetated areas are also useable.</p> <p>It is noted that LPP 4.3 Public Open Space includes the term 'usable' in relation to: sport POS areas (and active recreation) and entry statements (that are not considered usable spaces). Is the intent of this statement to ensure that POS areas meet the POS hierarchy noted in LPP 4.3?</p>	Provide clarification in policy or reference to another policy that defines usable POS (e.g. "landscaping and drainage infrastructure shall be complementary such that POS areas achieve their purpose as detailed in LPP 4.3").
Section 4: Subdivision, C6, page 7	"The subdivider shall prepare and implement a landscape and drainage management plan for the proposed POS and drainage areas consistent with LPP 4.3: POS, including the provision of parking bay embankments in the road reserve adjoining the POS, bollards (or other edge treatments requested by the City) and the maintenance of the proposed POS and drainage areas, to the satisfaction of the CoW."	A UWMP and subsequent landscape development application should already have provided sufficient detail regarding the integration and implementation/management of drainage and landscape areas. LPP 4.3 does not refer to a landscape and drainage management plan. Why is another document required?	It is recommended that this condition be removed as it should be addressed by a UWMP.
Section 4: Subdivision, B8, page 8	Use of indigenous, native and water wise species/tube stock planted during winter to minimise irrigation requirements.	There is no recognition of the use of appropriate exotic tree species within POS areas or streetscapes. For example, the draft Street Tree Policy and the draft LPP 4.10 Streetscapes encourages the use of both native and non-endemic species as long as they were suitable.	It is recommended that reference to the use of <i>appropriate</i> tree species within POS and streetscapes.
Section 4: Subdivision, B9, page 8	High phosphorous retention index (PRI) soils are required to be incorporated into bio-retention swales and POS (where it is not used for the purpose of conservation) to reduce phosphorous export via leaching, while also meeting soil permeability and soil compaction specified by the CoW.	<p>PRI is a Western Australian guideline and other soil media are capable of achieving appropriate removal of nutrients, and therefore 'PRI' specification is not necessary and could preclude the uptake of other engineered soil media.</p> <p>Where groundwater is > 5 m from the finished surface and the existing soils are of sufficient PRI to provide treatment, additional high PRI soils or media are not required to achieve appropriate treatment.</p>	It is recommended that this standard be expanded to include other media guidelines (e.g. from The CRC for Water Sensitive Cities) and allow the design of bio-retention areas to respond to site specific conditions.
Section 5: Detailed area plans and development	"All stormwater runoff shall be retained onsite and erosion shall be managed so that sand is not deposited on road reserves or in drainage areas".	Does this condition refer to temporary stormwater runoff management during construction and/or the ultimate solution?	It is recommended that this first dot point be revised to focus on the outcome. For example, "Stormwater runoff shall be appropriately managed onsite to

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applications, C3, page 10		It will not be appropriate or possible for all sites to retain all stormwater runoff, as it is assumed this refers to the major rainfall event, and some sites already have runoff which leaves the site due to site soils/topography, etc.	avoid the deposition of sand onto existing road reserves or drainage systems."
Section 5: Detailed area plans and development applications, C3, page 10	"The owner ensuring the land is not laid bare of vegetation resulting in loose erodible conditions".	Other actions, besides avoiding any clearing, can be completed to minimise erodible conditions.	It is recommended that the third dot point be revised to focus on the outcome. For example, "The owner to ensure the land is managed / stabilised to minimise erodible conditions." Alternatively, reference could be made to the existing LPP 4.18 Earthworks and Sand Drift, which provides guidance on dust management measures to be utilised during earthworks.

Thank you for the opportunity to provide comment on the draft LPP 4.4. UDIA would welcome the opportunity to discuss the issues identified with the City in more detail as LPP 4.4 is finalised. We would also welcome the opportunity for further engagement as implementation of this policy progresses.

Should the City require any assistance or further information regarding this matter, the UDIA would be delighted to assist, please contact Chris Green, Director Policy and Research at cgreen@udiawa.com.au or 9215 3400,

Yours sincerely



Tanya Steinbeck
Chief Executive Officer