

10 July 2020

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Via email: Loretta.VanGasselt@dplh.wa.gov.au

Dear Loretta

Draft SPP 2.9 Planning for Water

Thank you for the opportunity to provide feedback on the Draft SPP2.9 Planning for Water and its accompanying Guidelines. The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in Western Australia. UDIA is a membership-based 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.

Identification of Main Concerns

UDIA acknowledges WAPC's commitment to the preparation of the draft SPP2.9 and seeking to ensuring that the State's water planning policy framework remains up to date. As the Policy identifies, Perth has many existing and emerging water issues, and as much of the land identified for future development is challenged by water constraints, it is imperative that we have a contemporary planning policy framework that manages water issues effectively and efficiently.

Conservative Wording Around the Emphasis on 'Risk Based Approach'

UDIA supports the Policy's guiding principles as set out in the Draft Guidelines, however we are concerned about the lack of clarification/emphasis regarding the risk-based approach and when certain investigations are required. Overall we feel that there is not enough emphasis placed on the fact that not all hydrological investigations are required for all sites. We feel that there is a conservative approach to the wording of when studies are required, which when applied practically may result in authorities taking a conservative approach and applying all requirements to all sites. This is particularly noteworthy in the titles of Tables C1, D1, E1 "Standard Requirements for a WMR". This should be "Extent of Possible Requirements" or similar. Without appropriate guidance for decision makers, experience has shown that significant divergence will emerge across different governments agencies with differing views regarding the level of detail to be provided and different opinions as to what responses are considered appropriate development.

In the event that more conservative approaches are adopted by decision makers, the additional work required (beyond the risk profile) will mean that there are significant resources requirements for the State Government, local government and the private sector in preparing and assessing such reports.

Requirement for Additional Studies

There are a number of additional studies required with a lower threshold for the requirement of said studies. These include;

- Groundwater modelling.
- Flood modelling for ephemeral watercourses (not previously required).
- Flood modelling the impacts of filling the flood fringe (previously applied management of 0.5m fill above fringe level).
- Wetland buffer increase (50m for all wetlands but no differentiation between CCW, REW etc resulting in further land sterilisation).
- Wastewater demand modelling (not previously required).
- Water balance modelling (increased requirements).
- More water monitoring and at higher levels of planning (therefore implications for forward planning for developers and land holding costs).

UDIA contends that a risk-based assessment approach should be adopted, with reduced information requirements and government processing timeframes for lower risk proposals. To support this approach, the Institute recommends that the Guidelines include clearly defined scale thresholds or development triggers, that clearly articulate circumstances in which the various studies are required, or, to reiterate the first main concern, there should be more emphasis on each site being assessed on individual site constraints so a conservative approach is employed by decision makers. Adopting such an approach would also be consistent with the recently announced planning reform measures which seek to “*remove barriers to enable development*” by streamlining planning and referral processes and providing greater clarity and consistency across the system.

In addition to the added administrative costs of navigating the proposed policy, UDIA is concerned that housing affordability will be further adversely impacted by the additional work, assessment timeframes (and related resourcing problems) and subsequent holding costs arising from a longer and more uncertain development approval process.

Subdivision Approval and Reporting

The Guidelines have identified that UWMPs are no longer required if previous reporting (at DSP and LSP) has been undertaken sufficiently. However, there are exemptions to that. The list of exemptions (Section 5.5 Point 2) covers a wide range of site conditions and states that if the site has ANY of those conditions then a Subdivision WMR will be required, but prior to subdivision application, not as a condition of subdivision.

The list of exemptions is exhaustive and, in our opinion, would cover approx. 90% of developable land remaining in Perth (see comments table for further explanation and suggestions). This would mean, that despite having done a District and Local WMR, most sites would still need to do a Subdivision WMR but prior to subdivision application.

This has serious implications for developers. In order to do the level of detail required to get a UWMP approved, significant engineering, landscaping and planning work needs to be undertaken. This would all need to be done without any assurance that subdivision approval will be granted (ie. more risk to the developer) and would also require significant upfront costs which would have implications on housing affordability.

Although we understand the original intent of this aspect of the guidelines (ie. if all previous urban water planning is done properly then it reduces the requirements at subdivision), we think the inclusion of the significant exemptions list means that, in reality, the opposite will occur and most sites will end up with more onerous requirements.

Conclusion

More specific comments regarding the draft Policy and Guidelines are attached. We greatly appreciate the opportunity to provide comment on the draft policy and encourage the Department and WAPC to work with the development industry to accurately define the policy's reporting triggers, to ensure that the application of the policy remains efficient whilst also delivering effective waterwise development outcomes.

We would greatly appreciate the opportunity to meet with you to discuss our concerns in more detail. To arrange a meeting, and should you require any further assistance or information regarding the content of this submission, please contact Chris Green, Director Policy and Research at cgreen@udiawa.com.au or 9215 3400.

Yours sincerely



Tanya Steinbeck
Chief Executive Officer

Specific Comments

State Planning Policy 2.9 - Planning for Water (Version 2b)

Policy Section	Comment	Suggested amendment
1	<i>SPP 2.9 Planning for Water</i>	<i>editing - still referencing "water resources" title</i>
2		Include reference to aligning with the planning system
3	A lot of reference to water resources still but given this new SPP includes urban water management should expand this section a bit	Recommend making more reference to urban water/ drainage management and aligning with the planning system
6.6iii	instead of saying "reduces, where possible, the impact of flooding"	Recommend changing to "does not worsen the impact of flooding"
7.2i	Prevent ASS being exposed	Recommend altering wording to include "or manage appropriately"
7.4g	drainage corridors	Recommend replacing with "drainage areas"

Guidelines

Section	Comment	Suggested amendment
1	Purpose should refer to Action 28 of the WaterWise Perth Action Plan to Strengthen waterwise outcomes at all levels of landuse planning	
1.3	Supporting documents is too long a list and comes too early, taking you out of the guidelines. They would be better referred to in the relevant sections.	
2	Guiding Principles - The guideline should restate the policy Objectives 5.0 from the SPP 2.9	
	Water Sensitive Urban Design and Integrated Water Management should be included as Objectives of this policy suite (if not here where??)	
3	Addressing water related issues associated with climate change is very vague at this level. More guidance is needed with regards to managing risks and adaption.	
3	Climate change section - no reference to when and how the three dot points should be implemented/ actioned?	Only relevant to sites directly adjacent to the coast or swan/canning, Mandurah? Strom surge modelling needed?
	Caption required on the picture on P9.	
4	Words missing on end of sentence in box. How is cumulative impact expected to be considered at an individual proposal level?	
5	Why change word plan to report? This is about integrated Land use and Water Planning	
5.1	The state agencies, particularly DPLH, need to establish and commit to proper, prescient, timely and effective sub-regional and district structure planning. Co-ordination and resourcing with suitably skilled officers is important.	Consider addressing this aspect in Section 12.3 (DPLH)



<p>5.1 and 5.2</p>	<p>Need to avoid variable interpretations about the level of detail that gets addressed in regional vs sub-regional strategies and structure plans. Whilst a Regional WMR is prepared by State Government, proponents preparing District and Local WMRs should be able to expect certainty and consistency from a Regional WMR at regional and sub-regional planning levels.</p>	<p>Consider addressing this aspect in Section 12.3 (DPLH)</p>
<p>5.4</p>	<p>The WMR will normally be based on a Concept Plan in the Part 2 Explanatory report of an LSP (as illustrated in Section 5.4.1). However, if the Part 1 Statutory LSP Plan is broad-level and generalised in its detail, as if usually the case, an LSP amendment (as noted in the last paragraph of Section 5.4) may not be required even if some street alignments are changed between the LSP Concept Plan and the Plan of Subdivision.</p>	<p>Address the difference between the "Local Structure Plan" and the Concept Plan that the WMR is based on. Determine if the Local WMR requires updating to reflect the Concept Plan difference, or whether the Subdivision and Development WMR would address the design change (which Section 5.5 seems to indicate).</p>
<p>5.4</p>	<p>Blobby plans</p>	<p>Planning requirements of clause 16 of the 2016 regulations - blobby structure plans. Cant write a Local at the level of detail required when the developer is only creating a blobby plan. Need to address how to handle this in the guidelines.</p>
<p>5.4.1</p>	<p>Staged development section does not mention what happens when there is one outlet for stormwater discharge and several different landowners.</p>	<p>Need to include the requirement for a staging plan/strategy for how to deal with developments with multiple land owners, that may want to develop at different times, when there is only one outlet to a watercourse/body. Requirement needed in higher level documents. - note Section 8.6.3 at the end, should this be included in one location in the document.</p>
<p>5.5</p>	<p>Section 5.5 does a good job of providing guidance for what constitutes modifications affecting a WMR. However, Point 2 iii) may be better augmented by referring to the basis of design, as well as WMR "requirements".</p>	<p>Consider adding to 5.5.2 iii). Consider updating Footnote 3 to refer explicitly to "changes in street layout".</p>
<p>5.5 no.1</p>	<p>Still have concerns about the implementation of this. Many Local Govts generally don't review Locals so if no subdivision WMR then how/when will the assess. I suspect that LGs will ask for a Subbie WMR every time because of this, whether a site is exempt or not.</p>	<p>include LG as a sign off for Locals as well?? Ensure they do review them every time.</p>
<p>5.5 no. 2ii</p>	<p>In theory that is fine but who determines whether there was insufficient detail? Will they require engineering drawing and detailed design at Local instead to satisfy this requirement or will engineering drawings submitted as part of subbie suffice?</p>	<p>Further clarification needed.</p>
<p>5.5 no. 2 iv and v</p>	<p>Both points relating to flooding (repetitive). But flooding should be addressed at Local stage so we is further reporting required at subbie? What additional</p>	<p>Recommend removing.</p>



	information about flooding will be provided in a subbie WMR that wasn't provided in the Local WMP?	
5.5 no. 2 viii	But ASS management addressed as part of ASSMPs. Contamination has a whole management and approval process in itself so why should the subbie WMR be required when separate report are being prepared for them?	Recommend removing and just including a list of items that may be considered but addressed through other reports/ Acts etc.
5.5 no. 2 xii	Almost all sites now contain high groundwater or surface water. There is no definition of what is considered high groundwater? (<1m, <5m??). This requirement means that 90% of sites will still require a Subbie WMR but prior to application. The level of detail required to inform a Subbie WMR means that developers will now need to do full detailed design (all engineering and landscaping design) prior to having any certainty the subdivision will be approved. This increases risk and means that a lot of upfront costs will be required.	Recommend removing.
5.5 no. 2 xiii	New drain - does this include living streams? This is a disincentive for developers to so WSUD design if it automatically triggers the requirement for further reporting. In addition, when a living stream it designed, all information and design needs to be done at Local scale. The design does not change between Local and Subbie so what is the point in requiring further reporting when no details have change and no further information is available?	Recommend removing.
5.5 no. 2	Requiring the approval of Water Management Report for subdivision ahead of Subdivision Approval will create significant time delays, ahead of certainty that anticipated planning layouts will have DPLH (and other related agency) support. In order to provide the level of detail required, this would require full engineering and landscaping design to be done prior to DPLH support. This is particularly important as the funding mechanisms applied to many projects can be tied to achieving subdivision approval, and bringing the detail required for a subdivision level water management report forward will affect the viability of many smaller and mid-sized projects, which could have the negative impact of reducing the number of projects that can actually be progressed, and impacting land affordability. There are concerns this may result in reiterative wasted/ abortive work through the subdivision process.	This is a primary concern for UDIA. The list of requirements needs to be reduced based on the specific examples provided above. It is acknowledged that some of the list provided valid concerns but others should either be addressed in the Local or other reports. This concern was raised by UDIA in revision 1 and no changes have been made.
	It is acknowledged that the guidelines state that there are cases where a WMR for subdivision may not be required. However the 'triggers list' provided that identifies when it IS required covers most sites that are being developed these days on the Swan coastal plain (not many unconstrained water sites remaining) so although in theory, this could have resulted in less reporting later on, we are concerned that most sites	

	will still trigger one of the requirements and WMP for subdivisions will still mostly be required regardless of the presence of an overarching water management plan.	
5.5.1	Infill guidance lacking. There is no provision for having to determine drainage solutions for infill in high groundwater areas. Replacing aging infrastructure? How would this be implemented and who would pay for this when it is likely LG assets?	Further consideration and expansion needed - note Section 8.6.2 later - should these be located in one place in the document?
5.6	It would be really good if the document could reinforce the importance of planning and WMR practitioners collaborating early in the process so that the district and local structure plans and associated concept plans are prepared holistically and responsively - rather than the WMR having to force design changes or react to a sub-optimal design proposal.	Provide guidance in a new sub-section or augment existing sub-section(s)
6.1.2	We have particular concern about Section 6.1.2 regarding wetlands. This section states "wetlands identified for protection through the land-use planning process are to be forwarded a minimum buffer distance of 50 m, measured from either the mapped wetland boundary, or if no mapping excess, from the outer edge of wetland vegetation". This statement appears to have set a minimum 50 m buffer to all wetlands: conservation, resource, multiple use? There is no differentiation between the different quality of wetlands. Currently wetland buffers can be negotiated, and as standard, multiple use wetlands are developable, and resource enhancement wetlands have a minimum of 30 m not 50 m. There is grave concern that this will sterilise large amounts of land which could have been developed and managed appropriately with no adverse impact the wetlands.	Our suggestion is that this be removed from the guidelines and wetlands be dealt with separately in a more comprehensive and less ambiguous manner. It is our understanding that the wetland guidelines are currently being revised and will be released shortly after this SPP. we recommend referencing the wetland guidelines and removing all specific details in these guidelines. This concern was raised by UDIA in revision 1 and no changes have been made.
7.3	0.5m above expected 1% AEP level.	This has increased the requirements, previously it was 0.5m above the mapped 1%AEP level. This new requirements means that additional flood modelling will always be required when filling in the flood fringe whereas previously we were able to apply a 0.5m fill to the already mapped levels. This is another additional conservative measure. Recommend reverting to the original requirements. ie remove "expected".
8.3	Dams	Should include reference to online vs offline dams
9.3	Reference is made to Section 7.5, which couldn't be found	