

Friday 28 June, 2019

To whom it may concern

State Planning Policy 2.9 Water Resources and Guidelines

Thank you for the opportunity to provide feedback in relation to the above draft State Planning Policy (SPP) 2.9 Water Resources and 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 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.

The UDIA acknowledges there are significant benefits to streamlining water policies into one SPP and similarly acknowledges the important role the Better Urban Water Management (BUWM) guidelines have played in integrating water planning and management with land use planning and development since its introduction in 2008.

Whilst the success of the BUWM document in improving processes and informing development decisions is acknowledged, as an industry there are still significant road blocks to delivering the water sensitive urban design outcomes and innovation expected. These aren't necessarily as a result of issues with the guidelines, but as a result of the inability to obtain the support of Local Government primarily in relation to infrastructure and ongoing maintenance cost issues. A fundamental question therefore lies with the need for the various guidelines to be amalgamated into one guideline document, and the implications of this. Overall the UDIA is supportive of an outcomes-based approach to better urban water management and is keen to champion innovation and best practice in this regard.

There are some overarching concerns the Institute has in relation to the draft State Planning Policy 2.9 Water Resources Policy and the associated guidelines. To identify our main concerns and not lose sight of the objectives and bigger picture, we have only provided a small number of comments in this first review period. These are summarised as follows:

- We agree that an outcomes-based-assessment process is appropriate but are concerned in relation to the application of this Policy and the likely ambiguity, lack of consistency and uncertainty this approach will create. The existing Better Urban Water Management Guidelines operate relatively efficiently, and encourage best practice, but there are challenges at the implementation stage where we often encounter opposition to incorporating the principles of BUWM. Noting implementation as the challenge industry faces in relation to BUWM, we are concerned the proposed SPP won't achieve the desired outcomes in its current form.
 - In particular, we are concerned that vesting approval for Water Management Reports at the Structure Plan stage with Local Government runs the risk of seeing inconsistent standards being applied (across the 150+ LGs), potential innovations being challenged and delays due to either lack of resourcing or lack of expertise to deal with the increasingly technical documents that are required. We are concerned that innovative or advanced WSUD may not progress due to concerns about maintenance and implementation/management once ceded, and less focus on the 'bigger picture'. There is no clear arbitration process outlined in the document.
- We consider a fundamental objective that should be included in this SPP is to ensure that water planning and management forms part of an integrated planning framework. This is critical to supporting State objectives for development and ensuring BUWM principles can be incorporated across all types of development at the appropriate scale and time.
- There appears to be a pull-forward of additional detail to earlier stages of the planning process;
 - 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.
 - 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.

- Suggest remaining a condition of subdivision or reducing the list of “triggers” that require a WMP at subdivision.
- It was felt that infill development is not adequately addressed in the document, especially given the industry forecasting identifying significant infill in the future.
- We are supportive of a simplified Policy Framework for Water Resources, but there are a number of inclusions into the SPP, through the guidelines, which are already covered by other policies/guideline documents such as bushfire management, wetland delineation, aboriginal heritage, water balance for scheme connected sewer and water areas. We do not consider it appropriate for the guidelines appended to this SPP, to need to duplicate these other guidelines, as these are adequately and appropriately dealt with in other policies/guideline documents.
- We have particular concerns about Section 5.2 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.
- Appendix B8.8 states “it may be acceptable to develop within part of the site within 200 m of the watercourse or section of the watercourse when no floodplain has been defined with consideration of the following: modelling of the catchment to define flood extents and levels, modelling of the cumulative impact of filling on upstream and downstream areas”. In section 5.1 a waterway/watercourse is defined as “a waterway is any River Creek, stream or brook, including its foreshore area, floodplain industry. This includes systems that flow permanently, the part of the year or occasionally, in parts of the waterway that have been artificially modified. There is concern that the requirement for flood modelling could be applied to small ephemeral streams and/or modified agricultural drains. Many historical agricultural drains are mapped on the DWER mapping, however in reality they are often just depressions in the landscape.
 - Suggest removing the modelling requirement and replacing with “assessment” so it can be considered on a case by case basis. Or differentiate between perennial and ephemeral and historical agricultural drains.

- The document in its current form includes a number of additional technical requirements (depending on the site constraints). Given the high-risk mapping/ phosphorus mapping identifies a lot of the Swan Coastal Plain as high risk, it seems that these additional studies may be required for more projects. These could include; water supply/disposal balance calculations, flood mapping of ephemeral watercourses, NIMPs, wetland buffers protection measures (usually a separate wetland MP), soil evaluation assessment etc which we consider will add time and cost risk to new development projects and also hinder innovation. These investigations have not been required to this extent in the past, and we question their inclusion in this new SPP. We are concerned about the expertise of local government personnel to assess the broad range of technical documents, that this will create more road blocks and/or time delays and therefore discourage innovation of WSUD.
 - Our suggestion is that the triggers that require various technical studies, be applied more stringently to sites that have that particular issue, or consider the impact of including the “high risk areas” on the triggers. The 1km setback from wetlands – is there a basis for this setback?
- We note that targets have been set for the UNDO modelling, however we believe this has not been validated/consulted upon or an explanation provided as to how this has been derived and if it is achievable in practice.

We are keen to understand from DPLH what they perceive the current challenges are with the current process, so we can understand how we as a development industry representation body can assist in driving positive change.

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

Yours sincerely



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