

11 June 2021

Helen Tanner
Policy Officer, Science and Policy Unit
Department of Health
Level 3, A Block, 189 Royal Street
EAST PERTH WA 6004

Via email: publichealthact@health.wa.gov.au

Dear Helen,

Managing public health risks from wastewater conveyance, treatment and disposal in Western Australia Consultation Paper

Thank you for the opportunity to provide feedback in relation to the above *Managing public health risks from wastewater conveyance, treatment and disposal in Western Australia Consultation Paper*. 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 9.3% of Western Australia's Gross State Product, contributing \$28.2 billion annually to the Western Australian economy and \$267.6 billion nationally. As well as helping to create sustainable and liveable communities, the industry employs a total of 205,100 Western Australians and 2.035 million Australians across the country.

General Comments

UDIA WA welcomes the opportunity to contribute to the improvement and modernisation of existing legislation governing wastewater. Whilst we support the objectives of the proposed regulations they are narrow and focussed solely on protecting public health and better aligning the regulatory framework, standards and agencies responsibilities. Beyond these objectives, the wastewater regulations should seek to facilitate best practice water, sustainability and affordability outcomes, by enabling industry to deliver innovative and fit for purpose design and delivery solutions, particularly as new technology and solutions are developed.

To support the delivery of these broader objectives, UDIA WA supports **Option 3 - the proposal to develop a new risk based regulatory framework** for wastewater management and encourages the Department to adopt a framework that encourages the recycling wastewater as part of alternative fit-for-purpose water supplies to support the liability and affordability of our communities. UDIA WA would also welcome opportunities for further industry collaboration in the development of these

regulations to ensure any new public health regulations for wastewater management are fit for purpose and commensurate with risk.

Specific Comments

- UDIA WA supports the development of detailed guidance, templates, checklists, and calculators for sizing wastewater treatment and land application systems and area calculations, and guidance to assist industry and enforcement agencies in the preparation and assessment of Site and Soil Evaluation (SSE) reports to reduce government agency duplication and direct involvement by the Department of Health.
- The consultation paper fails to identify how the significant stock of existing lots, already developed will be addressed. It is unclear if there will be any development thresholds or other triggers for determining when upgrades or replacement to on-site effluent disposal systems will be required, including system extensions and/or increased development density/use and how such systems should be designed.
- **Proposal 2.3 require premises to connect to a reticulated sewerage scheme where available:** Connecting to sewer that is a reasonable distance is logical, however should also consider the cost and practicality of doing so, cost can be prohibitive and could render some projects unfeasible. Systems should not have to retrospectively connect to sewer when available. If sewer is not available in the first place they should be assessed, design and implemented on their own merits.
- **Proposal 3.1 Managing Public Health risks:** Whichever option is introduced should reduce the red tape required to establish wastewater treatment and reuse systems. The requirement to have DWER, DoH and LGAs assess the proposed wastewater management systems for land development has led to the unnecessary duplication of approval processes. Currently LGAs approve the on-site wastewater management systems for single dwellings only, with anything larger (ie. structure Plans, subdivisions and development applications) needing to be assessed and approved by DoH, as well as DWER and LGAs. The trigger level for DoH assessment of on-site wastewater disposal systems is set too low. To minimise duplication, UDIA suggests that local government be responsible for determining all applications for septic systems.
- **Proposal 4.3 General Requirements of onsite systems:** Engineering approaches to address site or system shortfalls should be allowed. Without enabling such solutions there is likely to some lots or land (particularly in regional areas) that have already been identified for development that will not be developable or feasible to develop.

- **Proposal 4.3.1 Minimum Siting Requirements:** If regulations are going to reflect the GSP, they should be flexible to accommodate for other potential considerations, and setbacks/clearances should be able to be met using engineered approaches including fill. Minimum siting requirements should be based on a risk-based approach and should allow the use of engineered approaches to mitigate risk. New GSP volumes, while flexible, are also complex and hard to calculate for a potential purchaser or developer that may result in costly mistakes at the planning stage because the size and type of septic system may not be known until the later approval stage which may involve DoH determination. It is recommended the prior method of calculating maximum volume of effluent per lot, based on a residential equivalent limit or volume per space available, be adopted as a standard with ability to vary this subject to a detailed assessment.
- **The requirements for and proposed method for Site and Soil Evaluations** is excessively onerous and overly complicated for most scenarios. The regulations should seek to improve site and soil assessment criteria and provide flexibility that enables the decision maker (local government) to determine whether a SSE is required and to what level of detail. This will ensure that unnecessary costs to both landowner and approval agencies are avoided.

Should the Department require any assistance or further information regarding this matter please contact Chris Green, Director Policy and Research at or 9215 3400.

Yours sincerely



Tanya Steinbeck
Chief Executive Officer