

Attachment 5 – Superseded provisions in LPP3 and LPP4.

LPP3: Effluent Disposal (Ancillary Accommodation in Middle Helena Catchment)

Clause 4 – General Provisions of LPP3 outline development and wastewater management requirements for ancillary accommodation contamination in the Middle Helena Catchment.

SPP 2.9 establishes a risk-based approach that requires planning decisions to consider site-specific water resource impacts, rather than relying solely on fixed local policy standards. It also directs decision-makers to contemporary technical guidance, Department of Water and Environmental Regulation (DWER) requirements, Department of Health approvals, and AS/NZS 1547.

SPP 2.9 is supported by the Planning for Water Guidelines (the Guidelines) which provide support for decision-making authorities, planners, landowners/proponents and referral agencies to implement SPP 2.9.

As a result, many of the detailed provisions in LPP3 duplicate State policy requirements, are addressed through State agency assessment processes or impose inflexible standards that have been replaced by a risk-based assessment framework.

LPP3 Provisions Superseded by SPP 2.9

LPP3 – Clause 4 – General Provisions	Why It Is No Longer Required	Relevant SPP 2.9 Approach
Only one wastewater disposal system per lot.	System selection is now assessed based on site capability, wastewater load, public health requirements and environmental risk rather than a blanket numerical limit.	SPP 2.9 and the Guidelines require appropriate wastewater infrastructure and assessment of on-site wastewater management in accordance with AS/NZS 1547 and relevant agency requirements.

Maximum load of 10 people or 6 bedrooms.	Capacity is now determined through technical assessment and approved system design rather than an arbitrary occupancy threshold.	SPP 2.9 relies on contemporary wastewater design standards and Department of Health approval processes.
Bore separation distance of 30 metres.	Drinking water source protection is now managed through the State framework and DWER assessment processes on a risk basis.	SPP 2.9 incorporates public drinking water source protection and land-use compatibility assessment.
100m setback from waterways, wetlands and dams (or 30m for nutrient-retaining systems).	Fixed setbacks have largely been replaced by risk-based assessment considering hydrology, water quality impacts, site conditions and water resource values.	The guidelines provide a recommendation for the width of the foreshore area or reserve from each edge of the waterway should be a minimum of 30m for waterways and a 'development setback' of 50m for estuaries, or greater as outlined above to reflect site-specific features and conditions .
Wastewater disposal to be 2m above groundwater.	Groundwater separation requirements are now assessed through current wastewater standards and environmental health requirements.	SPP 2.9 and the Guidelines direct assessment in accordance with AS/NZS 1547 and supporting technical guidance.
No wastewater disposal on land steeper than 1:5.	Land capability is now assessed holistically considering slope, soils, infiltration and environmental risk.	SPP 2.9 applies a site-responsive assessment framework rather than fixed local standards. Clause 8.7.10 of the Guideline states that where slope exceeds one in five (1:5), the land application area should be engineered to prevent run-off from the land application area. Surface contours should be provided on the site plan.
Secondary treatment systems may be approved with maintenance commitments.	Approval and maintenance requirements are now governed by Department of Health regulations and wastewater approval processes.	SPP 2.9 specifically recognises secondary treatment systems and Department of Health approval mechanisms.

		Clause 8.7.11 of the Guidelines outlines provisions for the type of on-site treatment system required for primary and secondary treatments. The Guidelines state that the availability of systems and maintenance personnel required to service secondary treatment systems is to be in accordance with certification requirements. This is particularly important in rural and remote areas.
Disposal area to comply with AS/NZS 1547.	This requirement is already embedded in the State framework.	SPP 2.9 explicitly references on-site wastewater assessment in accordance with AS/NZS 1547.
Wastewater systems outside 1-in-10-year flood areas.	Flood risk is now comprehensively addressed through State planning policy and water planning requirements.	SPP 2.9 and the Guidelines address flood risk and water-related hazards through integrated planning and assessment. Section Clause 7.3 – Planning and Development in Flood Prone Land of the Guidelines include guidance and provisions to avoid inappropriate development in flood-prone areas, minimise current and future flood risks, preserve the natural function of floodplains and waterways, and ensure communities remain safe and resilient during flood events, including under future climate change scenarios. It promotes a risk-based approach where flood-prone land is either protected from development or developed

		only where robust mitigation measures can demonstrate acceptable outcomes.
Stormwater management in accordance with the WA Stormwater Manual.	Stormwater planning is now incorporated within broader water-sensitive planning requirements under SPP 2.9.	SPP 2.9 promotes integrated water management and water-sensitive urban design. Section Clause 8.4 – Stormwater Management of the Guidelines include guidance and provisions to ensure that stormwater management is integrated, sustainable and resilient, with systems designed to mimic natural water cycles, protect water quality, minimise flooding, enhance urban landscapes and support long-term environmental and community outcomes. It promotes a holistic approach where water management is embedded into the planning and design of developments from the outset, rather than being addressed after development has occurred.
Ancillary accommodation limited to 70m ² (or 100m ² with agency support).	The size of ancillary accommodation is not directly related to water resource protection and can be managed through the Local Planning Scheme and Residential Design Codes. Wastewater impacts are assessed separately through current wastewater standards.	SPP 2.9 focuses on environmental outcomes and servicing capability rather than prescribing building size limits. In terms of building size limits, the City's existing Local Planning Policy 5 already contains provisions for plot ratio areas for ancillary dwellings being 70m² in urban areas and 100m² in rural areas.

Justification for Revocation of LPP3

The provisions of LPP3 are no longer required as wastewater management, drinking water source protection, groundwater protection, stormwater management and flood risk are comprehensively addressed through State Planning Policy 2.9 Water, the Planning for Water Guidelines, Department of Health requirements, Department of Water and Environmental Regulation advice, and AS/NZS 1547. The policy largely duplicates contemporary State policy and technical assessment processes, while some provisions impose fixed development standards that have been superseded by a risk-based, site-specific assessment framework. Retaining the policy would create unnecessary duplication and potential inconsistency with current State planning policy requirements.

LPP4: Effluent Disposal (Agri-tourist Development in Middle Helena Catchment)

Clause 4 – General Provisions of LPP4 outline requirements to protect the Middle Helena Catchment and public drinking water sources by regulating wastewater disposal associated with agri-tourism development. The policy intent is to prevent contamination of drinking water resources through prescriptive wastewater management controls.

LPP4 Provisions Superseded by SPP 2.9

LPP4 – Clause 4 – General Provisions	Why It Is Superseded	Relevant SPP 2.9 Framework
Wastewater system must be designed for maximum predicted load and approved by Department of Health.	This is now addressed through State wastewater planning requirements and Department of Health approval processes.	SPP 2.9 and the Guidelines require appropriate wastewater infrastructure and assessment of onsite wastewater management in accordance with contemporary standards and agency requirements.
Maximum load of 350g BOD/day/hectare and nitrogen loading limits.	Modern wastewater assessment relies on site capability, nutrient risk, groundwater	SPP 2.9 and the Guidelines require protection of water quality through risk-based

	vulnerability and technical assessment rather than a locally prescribed loading rate.	assessment of contaminants and nutrient impacts.
Shared infrastructure and services should be used where practical.	Servicing arrangements are now considered through integrated water planning and site-specific assessment rather than a stand-alone local policy requirement.	SPP 2.9 promotes appropriate and sustainable servicing and water infrastructure planning.
Wastewater systems must be maintained in accordance with supplier and Department of Health requirements.	Maintenance obligations are already regulated through Department of Health approvals and environmental health legislation.	SPP 2.9 recognises Department of Health regulation of wastewater treatment systems.
Signage advising patrons that the area is within a public drinking water source area.	Public drinking water source protection is now managed through State planning controls, DWER assessment and land-use compatibility guidance rather than site-specific signage requirements.	SPP 2.9 incorporates public drinking water source protection throughout the planning process.
Bores must not be within 30m of wastewater systems.	Fixed separation distances are now assessed through contemporary wastewater and drinking water protection standards. Provisions contained within the Guidelines.	SPP 2.9 requires protection of drinking water sources through risk-based assessment. Clause 8.7.8 of the Guidelines reference that an on-site effluent disposal system should not be located within 30m of a private bore used for household/ drinking water purposes
100m separation from waterways, dams and wetlands (or 30m for nutrient-retaining systems).	These prescriptive setbacks may not reflect individual site circumstances and are replaced by assessment of environmental risk and water resource values.	The guidelines provide a recommendation for the width of the foreshore area or reserve from each edge of the waterway should be a minimum of 30m for waterways and a 'development setback' of 50m for estuaries, or greater as outlined above to reflect site-specific features and conditions .

Wastewater systems must be 2m above seasonal groundwater.	Groundwater separation requirements are assessed under current wastewater design standards and environmental health requirements.	SPP 2.9 relies on technical assessment, groundwater protection measures and AS/NZS 1547.
No wastewater disposal on slopes greater than 1:5.	Suitability of land is now assessed holistically taking into account slope, soils, erosion risk and site capability.	SPP 2.9 adopts a site-responsive assessment framework rather than fixed local standards. Clause 8.7.10 of the Guideline states that where slope exceeds one in five (1:5), the land application area should be engineered to prevent run-off from the land application area. Surface contours should be provided on the site plan.
Secondary treatment systems may be approved and reduced setbacks considered.	Approval and performance requirements already fall within Department of Health and technical assessment processes.	SPP 2.9 specifically recognises secondary treatment systems and assessment under contemporary wastewater standards. Clause 8.7.11 of the Guidelines outlines provisions for the type of on-site treatment system required for primary and secondary treatments.
Effluent disposal must comply with AS/NZS 1547.	This duplicates current State policy requirements.	SPP 2.9 expressly references onsite wastewater assessment in accordance with AS/NZS 1547.
Wastewater systems must be outside 1 in 10 year flood-prone areas.	Flood assessment is now addressed through contemporary State planning policy and integrated water planning.	SPP 2.9 and the Guidelines address flood risk and water-related hazards through integrated planning and assessment.

		Section Clause 7.3 – Planning and Development in Flood Prone Land of the Guidelines include guidance and provisions to avoid inappropriate development in flood-prone areas, minimise current and future flood risks, preserve the natural function of floodplains and waterways, and ensure communities remain safe and resilient during flood events, including under future climate change scenarios. It promotes a risk-based approach where flood-prone land is either protected from development or developed only where robust mitigation measures can demonstrate acceptable outcomes.
Stormwater management in accordance with Stormwater Management Manual for WA.	Stormwater management is now embedded within the broader integrated water management framework.	SPP 2.9 promotes integrated water management and water-sensitive urban design. Section Clause 8.4 – Stormwater Management of the Guidelines include guidance and provisions to ensure that stormwater management is integrated, sustainable and resilient, with systems designed to mimic natural water cycles, protect water quality, minimise flooding, enhance urban landscapes and support long-term environmental and community outcomes. It promotes a holistic approach where water management is embedded into the planning and design of

		developments from the outset, rather than being addressed after development has occurred.
Non-reticulated water supplies must comply with Australian Drinking Water Guidelines and Department of Health requirements.	Drinking water quality is already regulated through State health and drinking water protection frameworks.	SPP 2.9 incorporates public drinking water source protection and coordination with State agency requirements.

Justification for Revocation of LPP4

The provisions of LPP4 are no longer required as the adoption of the LPP, State Planning Policy 2.9 Water and the Planning for Water Guidelines have established a comprehensive State-wide framework for wastewater management, drinking water source protection, groundwater protection, stormwater management and flood risk assessment. These matters are now addressed through State planning policy, Department of Water and Environmental Regulation advice, Department of Health approval processes, Australian Drinking Water Guidelines and AS/NZS 1547. The majority of LPP4 provisions duplicate existing State policy requirements or prescribe fixed standards that have been superseded by contemporary risk-based assessment processes. Accordingly, the policy no longer provides a distinct planning function and its revocation will remove duplication and improve consistency with the current State planning framework.