

Ref: D2016/40814

Director
Policies and System Implementation
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam,

A Review of Complying Development for Inland NSW – the Inland Code

I refer to your email of 11 March 2016 inviting WaterNSW to comment of the proposed 'Inland Code'.

WaterNSW is responsible for managing 42 dams across NSW as well as managing the Sydney drinking water catchment and water supply infrastructure that supplies bulk water for the Greater Sydney area. Under the *Water NSW Act 2014*, WaterNSW's principal objectives include ensuring the Sydney drinking water catchment area is managed to protect water quality, public health and safety, and the environment.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (SDWC SEPP) is one of the key planning mechanisms that helps WaterNSW to deliver its objective of protecting water quality. Developments with higher risks to water quality require adequate site specific merit assessment to ensure appropriate measures are identified and implemented to achieve a neutral or beneficial effect (NorBE) on water quality. This includes developments in unsewered areas of the Sydney drinking water catchment that will result in increased sewage and/or significant site disturbance.

It is noted that the Inland Code is proposed to apply to all local government areas (LGAs) west of the Dividing Range, including the Lithgow, Goulburn Mulwaree, Palerang, Oberon and Upper Lachlan LGAs. Parts of these LGAs lie within the Sydney drinking water catchment, to which the SDWC SEPP applies.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 stipulates that complying development cannot be carried out on unsewered land to which the SDWC SEPP applies (cl.1.19). Clause 1.19 ensures that all developments in unsewered areas in the drinking water catchments require the preparation of a development application and the assessment of NorBE on water quality, and therefore cannot be deemed as complying. WaterNSW requests that this requirement is included in the new Inland Code.

WaterNSW also notes that the proposed Exempt Development Standards include farm sheds and outbuildings, and is intended to apply State-wide. Such development has the potential to impact on water quality through site disturbance, as well as sewage impacts if the shed or outbuilding includes on-site wastewater management as part of the proposal. These potential impacts are likely to increase with the proposed increase in gross floor area. It is requested that provisions are included in any new Standard that specifically exclude farm sheds and outbuildings from areas to which the SDWC SEPP applies, beyond what is included as exempt development in the current Code.

Including these provisions would ensure that a development application is required and a NorBE assessment on water quality is undertaken.

If you have any questions regarding this submission, please contact Alison Kniha Environmental Policy and Planning Manager on 4724 2451 or at alison.kniha@waternsw.com.au.

Yours sincerely,



MALCOLM HUGHES
Manager Environment and Planning

9/3/16