

D2016/139198

Director, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir / Madam

Draft Medium Density Design Guide and Explanation of Intended Effect (EIE) for the new Medium Density Housing Code

I refer to the exhibition of the draft Medium Density Design Guide and the EIE that proposes complying development standards to be included in a new Medium Density Housing 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.

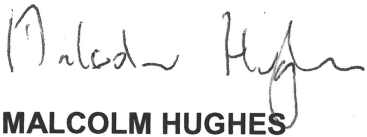
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (SDWC SEPP) is one of the key planning mechanisms that helps WaterNSW to deliver its objective of protecting water quality. Developments with higher risks to water quality require adequate site specific merit assessment to ensure 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.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) currently stipulates that complying development cannot be carried out on unsewered land to which the SDWC SEPP applies (Clause 1.19(j)). This clause ensures that all developments in unsewered areas in the drinking water catchment require the preparation of a development application and the assessment of a NorBE on water quality, and therefore cannot be deemed as complying. WaterNSW supports this and requests that the clause is retained in full to set out what development is permissible under the code and the land to which the code applies, as stated in the EIE.

WaterNSW notes clause 1.17A of the Codes SEPP would apply to the proposed medium density development types (EIE; p.16). Earlier correspondence with the Department regarding the Simplified Housing Code (11 August 2016; our ref: D2016/91652) identified an issue regarding complying development not being able to be undertaken in the drinking water catchment through the interpretation of the clause 1.17A of the Codes SEPP and its relationship with the SDWC SEPP. Notwithstanding, WaterNSW supports the continued operation of the Codes in the catchment as per current practice. The permissibility of complying development in the catchment in certain circumstances must be considered as part of the amendment of the State Policy as proposed.

If you have any questions regarding this submission, please contact Alison Kniha Catchment Protection Planning Manager on 4724 2451 or at alison.kniha@waterNSW.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Malcolm Hughes', written in a cursive style.

MALCOLM HUGHES
Manager Catchment Protection

7/12/16