



7 April 2017

Director Industry and Infrastructure Policy
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam

Submission to NSW Planning and Environment on the new draft Infrastructure State Environmental Planning Policy

The NSW Water Directorate welcomes the opportunity to make a submission to NSW Planning and Environment on the new draft Infrastructure State Environmental Planning Policy (SEPP). The NSW Water Directorate is a voluntary membership association that comprises 86 local water utilities across NSW and represents 97% of all NSW local water utilities. The NSW Water Directorate's mission is to provide leadership and support to the local government water supply and sewerage industry in regional NSW. Our members provide 89% of reticulated water outside metropolitan NSW and manage \$23 billion in assets.

The Water Directorate was initiated by local government water and sewerage practitioners in 1998. Our founding members recognised that the structure and legislative framework for water authorities in NSW was not ideal following the abolition of the Department of Public Works which had previously acted as the overall co-ordinating agency and mentor for regional NSW. An industry specific association was formed to address the lack of coordination between government departments and local authorities as well as the declining level of technical advice provided by the state agencies.

Since our establishment the Water Directorate has provided consistent state-wide management tools at a low cost to our members. As a result, we have:

- invested more than \$3.5 million on developing relevant guidelines and technical documents to support industry best practice
- co-managed an \$8.73 million investment by the Federal Government and members in a water loss management program saving 5.5 billion litres of water annually
- advocated for local water utilities including responding to the Armstrong/Gellatly Review, and a whole series of other Government reviews undertaken by Infrastructure Australia, the National Water Commission, the Productivity Commission and Infrastructure NSW
- supported the industry with valuable information through on-line discussion groups, technical workshops and informal mentoring not provided by State Government departments.

I understand that Clarence Valley Council will make a submission to NSW Planning and Environment on the new draft Infrastructure SEPP. I write in support of the following comments made by a well-regarded senior water professional from Clarence Valley Council:

- Proposed new Clause 97A – this clause will permit existing bus depots owned by an accredited bus service operator who is operating a regular bus service to expand their areas by up to 25% as complying development. A concern is that Clause 5A2(2) of the SEPP (Exempt and Complying Development Codes) 2008, under which Council can collect developer contributions from complying commercial and industrial development for sewer and water, only applies to land zoned B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3 (Clause 5A.1 of that SEPP). If bus depots which are located on rural or residential zoned land were to expand using this provision there would be no trigger for Council to collect contributions; notwithstanding that such development is prescribed under Clause 224 of the Water Management (General) Regulation, 2011.
 - **Recommendation: Amend Subclause 20C(13) to clarify that it also applies to additions to a building by replacing**
(a) the development involves the erection or change of use of a building within a water supply authority's area of operations, and
with the words
(a) the development involves the erection, enlargement or extension of a building or the placing or relocating of a building or change of use of a building within a water supply authority's area of operations, and
- Proposed change to clause 107(c)(viii) – while the change in this clause from “**pumping station component**” to “**sewerage system component**” is supported, a concern is that the current SEPP specified that exempt development included “maintenance, repair, renewal or replacement”, while the draft SEPP is proposing to have the exemption applying only to “maintenance or replacement”. While it is noted that the proposed definition change in Clause 5(2) indicates “maintenance includes repair”, the removal of the word “renewal” would mean that renewal of **sewerage system** components which does not involve replacement (e.g. relining) would not fit the definition of exempt development.
 - **Recommendation: The new clause 107(c)(viii) be expanded to indicate “maintenance, renewal or replacement”.**
- Division 24 (Clauses 124 to 127) – noted that none of the exempt or complying development provisions in this division applies to persons licensed under the **Water Industry Competition Act, 2006** and therefore under the proposed Clause 126A they require consent.
- Proposed change to clause 127(b) – the reason given for deleting the current clause is inconsistent with retaining Clause 107(b).
- Proposed change to clause 127(l)(m) – while the change in this clause from “**pump station components**” to “**water supply systems**” is supported, again a concern is that the current SEPP specified that exempt development included “maintenance, repair, renewal or replacement”, while the draft SEPP is proposing to have the exemption applying only to “maintenance or replacement”. Again the removal of the word “renewal” would mean that renewal of **water supply system** components which does not involve replacement (e.g. relining) would not fit the definition of exempt development.
 - **Recommendation: The new clause 127(1)(m) be expanded to indicate “maintenance, renewal or replacement”.**

- Proposed Clause 127(1)(m1) – the addition of **water meters** to exempt development is strongly supported.
- Proposed Clause 127(l)(m2) – adding **telemetric equipment** as exempt development is supported, but the width limit of 300mm is considered too small – suggest it should be at least 1000mm.
- Proposed Clause 127(n)(vi) – the addition of **slope stability** works to exempt development is strongly supported.
- Proposed Clause 130-132 – noted that these only relate to the **Sydney Water Corporation** and **Hunter Water Corporation** area of operations and hence have no relevance to LWUs.

The NSW Water Directorate would like to thank NSW Planning and Environment for the opportunity to participate in this review, and looks forward to improvements in operations for local government water utilities. As the peak body representing local water utilities in NSW, NSW Water Directorate is keen to have an ongoing dialogue with NSW Planning and Environment to promote an effective whole of government approach to the management of water in regional NSW.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'J. Sharp', written over a light grey rectangular background.

Jeffery Sharp
Chair