



Hunter Water Corporation  
ABN 46 228 513 446

PO Box 5171  
HRMC NSW 2310  
36 Honeysuckle Drive  
NEWCASTLE NSW 2300  
1300 657 657 (T)  
(02) 4979 9625 (F)  
enquiries@hunterwater.com.au  
hunterwater.com.au

7 April 2017

Our Ref: HW2016-267/7/34

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

Dear Director

### **State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016**

Thank you for the opportunity to provide feedback on the *State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016*. Hunter Water Corporation (Hunter Water) has the following comments.

#### ***Schedule 1 – consultation and notification***

##### ***Clause 16(2)(a)***

Proposed Clause 16(2)(a) requires written notification to the Office of Environment and Heritage where development occurs adjacent to land acquired under Part 11 of the *National Parks and Wildlife Act 1979*. It is requested that a public register of areas acquired under Part 11 is maintained, to ensure that information is readily available to determine if notification is required.

#### ***Schedule 17 – Sewerage Systems***

##### ***Clause 106(5)(i)***

The inclusion of maintenance depots as part of the definition of development is supported.

##### ***Clause 106(5)(j)***

It is requested that the height limit of 5m above ground is removed from this subclause. The effect of the proposed wording is that works that can currently be undertaken without development consent for sewerage systems will require development consent. Buildings housing wastewater treatment units can exceed 5 m in height. As the definition of building includes any structures, this could require infrastructure such as sewerage vent shafts (which can be up to 12 m high) requiring development consent.

## **Schedule 22 – Water Supply Systems**

### *Clause 125(5)(n)*

As above, it is requested that the height limit of 5 m is removed for buildings for defining development of water supply systems. Buildings housing water treatment units can exceed 5 m in height. As the definition of building includes any structures, this could require infrastructure such as water reservoirs (that exceed 5 m height) requiring development consent.

### *Clause 127(l) and (m)*

It is requested that the following phrase, “*but not alterations involving additional pump station equipment or its replacement*”, is removed from Clause 127(l). The wording is not consistent with clause 127(m) which allows replacement of components of water supply systems, which would include replacement of pump station equipment.

## **Schedule 23 – Special Provisions**

### *Clause 130(2)(b)(i) and (ii)*

Proposed Clause 130(2)(b) identifies certain pipes (within defined length and depth requirements) to be complying development. Hunter Water is concerned that these characteristics may not be determinative of the potential environmental impact, as these could vary depending on location of the pipeline. For example, a 1 km pipeline could have more than minor environmental impact in non-developed areas, even if it is not located within environmentally sensitive areas as defined in the SEPP (Exempt and Complying Development Codes) 2008. Clarification is therefore requested as to how these length and depth characteristics were determined.

It is understood that proposed Clause 131(1) would enable Hunter Water to place requirements on a development if it was considered that environmental impacts of the development needed to be mitigated or alternative pipeline routes should be considered for operational or environmental reasons.

### *Clause 130(3)*

Draft clause 130(3) states that “*this clause does not apply in relation to any development carried out by or on behalf of a relevant utility operator*”. To avoid any confusion, it is requested that “on behalf of” be deleted, as the pipelines connecting to Hunter Water supply and sewerage systems are transferred to Hunter Water to operate once commissioned in accordance with agreements with the proponent. Under the current Infrastructure SEPP, connecting pipelines which are outside areas which have received development consent (through a development application process), are undertaken without development consent under Part 5 of the *Environmental Planning and Assessment Act* 1979, with a reliance on clauses 106(3) and 125(1) of the Infrastructure SEPP for reticulation works being undertaken on behalf of a public authority.

### *Clause 131(4)(d)*

Clause 131(4)(d) is considered to be restrictive. For this purpose, Hunter Water has assumed that a “structural retaining system” would require shoring or other types of support. However, for excavations less than 1.5 m depth, shoring is often not required and for deeper excavations, battering of the trench is often acceptable. These practices

are permissible under the excavation code of practice. Given this, we consider that clause 131(4)(c) sufficiently deals with the issue.

Yours faithfully

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

**LAURA HAILS**  
**General Counsel**