

23 November 2017

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Our ref: D2017/136827

Planning Legislation Updates 2017
NSW Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam,

Submission to Review of the Environmental Planning & Assessment Regulation 2000

Thank you for the opportunity to comment on the *Review of the Environmental Planning & Assessment Regulation 2000 Issues Paper*.

WaterNSW is Australia's largest water supplier of raw water. We deliver water from 42 Large dams, pipelines, canals and the State's rivers. We ensure that the water supplied is reliable and, where that water is to be used by end use customers for drinking, it meets relevant water quality standards.

WaterNSW plans infrastructure for water supply security and reliability and then develops, operates and maintains that infrastructure. Within the declared Sydney catchment area, we also protect and enhance the quality and quantity of water. The *Water NSW Act 2014* defines the objectives and functions of WaterNSW.

WaterNSW has reviewed the Issues Paper and provides the following comments for consideration:

Strategic Planning

1. The introduction of local strategic planning statements presents opportunities to enhance the long term management of catchment areas and increase community awareness of the critical role they play in providing water for domestic and commercial purposes. To provide direction when preparing a local strategic planning statement, the regulations should identify specific issues which require consideration when engaging the community and inclusion in the final plan (e.g. should a catchment area be located within a local government area, how it can be effectively managed through adopting appropriate zones/land uses and environmental protection).
2. Periodical reviews of local environmental plans are considered a positive step to ensuring instruments are current and effectively deliver appropriate outcomes. It is suggested the Regulations specify what the review is required to address, the steps involved, and the time frames attached for actions to take place.
3. The introduction of a standard format for development control plans (DCPs) presents opportunities for WaterNSW to work more closely with councils and communities at the strategic planning level to incorporate better land use practices in policy to protect and enhance catchment areas across the state. WaterNSW welcomes the role the DCP will play in delivering the outcomes of the local strategic planning statement and LEP (e.g. incorporating water sensitive urban design provisions in DCPs). WaterNSW would

welcome the opportunity to work with the Department of Planning & Environment on such a project.

Development Applications

1. Under clause 11 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, WaterNSW is a Regulatory Authority (concurrence authority) for certain development applications in the Sydney drinking water catchment. In this respect the following suggestions are made:
 - Clause 120 Notification of concurrence authorities and approval bodies of the Regulations, is amended in that only applications to modify under section 96(2) of the Act, or where applications to modify propose changes to the conditions imposed by the concurrence authority are forwarded to the concurrence authority.
 - Clause 61 Forwarding of submissions to concurrence authority of the Regulations, is amended in that only submissions which raise issues specific to the matters to be considered by the concurrence authority are forwarded to the concurrence authority.

It is considered these changes would result in a more direct approach which will reduce the number of unnecessary referrals which often do not contribute to the assessment of the application yet consume resources to action.

2. The current classes of development in Schedule 3 which trigger the need for an Environmental Impact Assessment (EIS) given they are proposed to be located within a drinking water catchment are considered appropriate given their potential to have an adverse impact. Extractive industries located in drinking water catchments are not an identified class requiring an EIS. WaterNSW requests that this be considered as part of the review and if warranted amended.
3. WaterNSW supports the current practices applied to Crown development applications.

Review of Environmental Factors

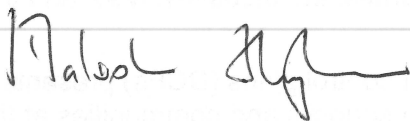
1. It is considered an opportunity exists to review and refine the number of factors required to be addressed in Part 5 assessments under clause 228(2) (the current list appears to duplicate factors).
2. Public access to Part 5 assessments via the determining authorities' website is supported. However, this should be relative to the size and scale of the activity (e.g. activities small in size or scale should not be required to be placed on the website given the public interest is in all likelihood limited, and access can still be achieved through the passage of freedom of information).

Compliance with conditions of consent

1. Greater emphasis on compliance with conditions of consent is welcomed and assisting councils with resourcing is supported.

If you have any queries regarding the above, please contact Philip Carroll – Land Use Planning Adviser on 1300 662 077, or email environmental.assessments@waternsw.com.au.

Yours sincerely,



Malcolm Hughes
Manager Catchment Protection