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Related	

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The purpose of this circular is to advise councils, proponents and the community of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 which replaces the Drinking Water Catchments Regional Environmental Plan No 1.

Introduction

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) was published on 21 January 2011 and will commence on 1 March 2011. This circular outlines the operation of the new instrument.

Repeal of Drinking Water Catchments Regional Environmental Plan

Regional environmental plans no longer form part of the hierarchy of environmental planning instruments in NSW. As such, the Drinking Water Catchments Regional Environmental Plan No 1 (DWREP) has been repealed and is replaced by State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

Like the DWREP, the SEPP requires all proposed development in the Sydney drinking water catchment to demonstrate a neutral or beneficial effect on water quality. However, the SEPP does not continue the requirements of the DWREP for "rectification action plans" or Sydney Catchment Authority (SCA) water quality objective reporting requirements. These requirements can now be found in the Healthy Catchments Strategy 2009-2012 and the Operating Licence for the SCA under the *Sydney Water Catchment Management Act 1998*.

Declaration of the Sydney drinking water catchment

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 declares the boundary of the Sydney drinking water catchment for the purposes of section 34B of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The SEPP maintains the existing boundary of the hydrological catchment under the DWREP. Maps of the Sydney drinking water catchment boundary are available on the NSW Legislation website.

Neutral or Beneficial Effect on Water Quality

Consent authorities are not to grant consent to the carrying out of Part 4 development on land to which the SEPP applies unless they are satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.

A Neutral or Beneficial Effect on Water Quality Assessment Guideline (NorBE Guideline) has been prepared by the Sydney Catchment Authority and published in the NSW Government Gazette.

The NorBE Guideline will assist consent authorities and proponents when undertaking development in the Sydney drinking water catchment.

To provide a consistent and transparent approach across the catchment and to streamline development, the SCA has also prepared a software application known as the “Neutral or Beneficial Effect on Water Quality Assessment Tool” (NorBE Tool).

The SEPP requires consent authorities to use the NorBE Tool (to the extent it is relevant to the development concerned) in considering whether a development would have a neutral or beneficial effect on water quality. The decision making framework for the Tool can be found in Appendix 1 to the NorBE Guideline.

The SEPP also extends its application to public authorities. Public authorities are to consider whether a proposed activity would have a neutral or beneficial effect on water quality prior to the carrying out of any activity to which Part 5 of the EP&A Act applies. Public authorities however are not required to obtain concurrence.

Any development or activity proposed to be carried out in the Sydney drinking water catchment should incorporate the SCA’s current recommended practices and standards (listed on the SCA website).

Concurrence of the Chief Executive of the Sydney Catchment Authority

The concurrence of the Chief Executive of the SCA to the grant of development consent is required for all Part 4 development undertaken in the Sydney drinking water catchment. This requirement does not apply to development that has no identifiable potential impacts on water quality.

Assumed Concurrence

Clause 64 of the Environmental Planning and Assessment Regulation 2000 provides that a concurrence authority may issue a notice to a consent authority outlining the circumstances in which concurrence may be assumed.

The Chief Executive of the SCA has issued a notice to all councils in the Sydney drinking water catchment outlining when they may assume the Chief Executive’s concurrence for low risk developments.

Low risk developments are those described in “Module 1” and “Module 2” of the NorBE Tool and can include certain types of residential accommodation, retail premises and swimming pools.

Councils who undertake an assessment using the NorBE Tool as required by clause 10 of the SEPP may assume the concurrence of the Chief Executive in cases where council is satisfied that the NorBE Tool indicates that the proposed development would have a neutral or beneficial effect on water quality.

Further information

A copy of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and associated maps of the Sydney drinking water catchment are available on the NSW legislation website at <http://www.legislation.nsw.gov.au>.

Further information on the SEPP including access to the NorBE guideline and the Healthy Catchments Strategy 2009-2012 is available on the SCA website at www.sca.nsw.gov.au.

Note: This and other Department of Planning circulars are published on the web at <http://www.planning.nsw.gov.au/PlanningSystem/Circularsandguidelines/>

Authorised by:

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Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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