



26 June 2025

Independent Pricing and Regulatory Tribunal
PO Box K35
HAYMARKET POST SHOP NSW 1240

Our Ref: FP53

Dear Sir / Madam,

**SUBMISSION ON IPART'S DRAFT ASSESSMENT REPORT
SYDNEY WATER PRICES 2025-2030**

Thank you for the opportunity to provide comments on IPART's draft Assessment Report on Sydney Water Prices 2025-2030, which was recently exhibited. We appreciate the extension of time granted to Council to lodge a submission on this very important issue. Please note that these comments are from a Council officer perspective and have not been considered or endorsed by the elected Council.

The draft Report makes a number of recommendations which will result in a \$957 million reduction from Sydney Water's Pre-treatment Program, a \$700 million reduction from Sydney Water's Proactive Program (intended to maintain, renew and upgrade ageing assets and high-risk sections of the network), and various other reductions in asset renewal expenditure. Comments and observations on the draft Report are provided below for consideration.

Growth Projections

The Hills Shire LGA is a strong contributor of housing supply for the Sydney market. In the five-year period to June 2024, 11,369 homes were completed, which was the second highest in the Greater Sydney Region and easily exceeded Council's housing targets over that timeframe. The Shire also has the highest number of homes forecast over the next five years (2024/25 to 2028/29), with 15,455 expected to be built based on the NSW Government's published dwelling projections. There is zoned capacity in our greenfield release areas and along the Sydney Metro Northwest Corridor for over 47,000 additional dwellings, with strategic capacity for a further 11,900 additional dwellings flagged within Council's Strategic plans.

Between 2016 and 2021 the population of the Hills Shire increased by almost 30,000 people, representing a 20% increase in our population over the period. This rate of growth is expected to continue given the substantial capacity remaining within our greenfield release areas and the ramping up of development around the Sydney Metro Northwest Stations.

In May 2024 the NSW Government published the 5-year housing targets for each LGA within the Greater Sydney Region which seek to respond to the State's share (377,000 dwellings) of the National Housing Accord target of 1.2 million dwellings by 2029. The Hills Shire Council has been given a target of 23,300 dwellings, which is the highest target and significantly exceeds the Government's own published dwelling projections for the Shire. Achievement of this target would require Council's 5 yearly dwelling completion rate to increase by more than 90% from around 2,408 dwellings per year to 4,660 dwellings per year.

Council has a proven track record of approving housing and is committed to the national effort to increase housing supply to address the housing crisis. Currently within the Shire there are around

17,000 dwellings that have been approved, but which have not yet translated into completed homes. This includes new residential lots within our release areas and medium-high density units within our Metro Precincts. If unlocked, the progression of these approvals through to dwelling completions would go a long way toward addressing the immediate housing supply shortages.

The growth projections within the Sydney Housing Supply Forecast effectively assumes that that Housing Accord Target will not be achieved. These growth assumptions do not account for the Government's recent housing reforms such as the Transit Oriented Development and Low and Mid Rise Housing reforms, or the Department of Planning's Housing Delivery Authority. It is acknowledged that the Housing Accord targets are extremely ambitious. However, if the Government has any hope of achieving the Housing Accord yield then utility providers such as Sydney Water need to be working towards these targets when planning the rollout of new infrastructure. If the Government is not using the Housing Accord targets to plan for the delivery of utility infrastructure and is instead imposing growth projections that are 25% less than the Housing Accord target, then the Government is essentially setting itself up to not achieve the required housing supply.

A reduction in program budgets for Sydney Water, at a time when there is an expectation and need for utility providers such as Sydney Water to increase service provision to account for more new housing and more housing in existing areas does not align with clearly stated whole-of-government priorities.

Investment in New Infrastructure

With population growth comes a desperate need for all forms of infrastructure including water, wastewater, electricity, telecommunication services, parks, playing fields, drainage infrastructure, new roads and intersections, schools and hospitals. Without appropriate investment in this infrastructure the future growth will not be able to be serviced, and Government will not be able to achieve its housing targets. This will worsen the housing crisis.

There needs to be a balance between keeping customer bills low to ease the impact of the cost-of-living crisis and ensuring that appropriate investment is being made into the water and wastewater network so that new infrastructure can be delivered in a timely manner and that existing infrastructure is appropriately maintained. Keeping bills low by enforcing underinvestment in utility infrastructure will stifle housing supply which will perpetuate the housing supply crisis and result in a continuation of high housing costs, which will ultimately worsen the cost of living crisis.

Sydney Water's capacity to service growth will be a major factor in determining the rate at which housing is delivered within The Hills Shire and the Sydney Region more broadly. Based on Council's recent experience, there have been significant issues and constraints with Sydney Water's network and its capacity to roll it out new infrastructure and maintain the existing network under current pricing settings.

In September 2024 Sydney Water wrote to Council regarding wastewater capacity issues within the Box Hill Precinct and advised that its pumping station SP1154 had reached capacity due to structural issues with the rising main of Windsor Road, and as such had no additional capacity. A copy of this letter is attached to this submission for information. The letter noted that Sydney Water was working on upgrades to increase its capacity, however the works would not be completed until late 2025. Sydney Water further advised that it would not be able to issue any Section 73 Certificates for dwellings that were not yet approved. The seriousness of such advice cannot be overstated. Box Hill is one of the largest and fastest growing land release precincts in Sydney and the Sydney Water advised Council that no new Section 73 Certificates could be issued for over 12 months due to capacity issues. This is quite concerning given the Government's push for additional dwelling completions.

The letter continued by noting that Sydney Water is aware of the ongoing growth forecasted in the catchment and that further upgrades to the pumping station would be required. To ensure Council and all current and future applicants are aware of the immediate and longer-term wastewater timescale constraints, Sydney Water requested that all relevant development applications in the catchment that are impacted by SP1154 be referred to them for comment. Clearly Sydney Water is extremely concerned about its capacity to service planned growth and this demonstrates how inherently susceptible housing completions are to capacity constraints and underinvestment in Sydney Water assets.

If addressing the housing crisis is the most important concern of Government then there must be a whole of Government response which includes ensuring that utility providers such as Sydney Water are able to invest in their networks and set pricing accordingly. The Government cannot be imposing overly ambitious housing targets, and demand that service providers roll out infrastructure more efficiently, whilst at the same time restricting their capacity to invest in their networks. This is counter intuitive and will undermine the Government's goal of increasing housing completions. Given the housing crisis, utility providers should be increasing their investment in the rollout and maintenance of infrastructure, not reducing investment.

Maintenance of Existing Infrastructure

Concern is raised with respect to IPART's recommendations that would reduce Sydney Water expenditure on Programs that seek to maintain, renew and upgrade ageing assets and high-risk sections of the network, as well as IPART's recommendations which seek to reduce Sydney Water's asset renewal expenditure.

The implementation of the State Government's Low and Mid Rise Housing reforms have introduced new planning controls to allow dual occupancies, terraces, townhouses, apartments and shop top housing in multiple areas across Greater Sydney, Central Coast, Lower Hunter and Newcastle and Illawarra-Shoalhaven. Stage 2 of the reforms which were implemented in early 2025 applied to residential areas within 800 metres walking distance of 171 nominated town centres.

The broadbrush nature of these reforms will result in dispersed growth within multiple locations that were not previously planned or designed to cater for the densities that are now achievable. Not only will most of these centres have aging assets, but the extent and timing of growth will be extremely uncertain and unpredictable. This will make the process of aligning the delivery of new and upgraded infrastructure with population growth an extremely difficult task and will disperse government agency resources and spending across multiple areas, decreasing efficiency and coordination.

In order to ensure that future growth can be appropriately serviced it is essential that Sydney Water takes a proactive approach in the delivery of new and upgraded assets. This will ensure that the network is able to cater for the significant growth that is expected over the coming decades without a corresponding decrease in the service quality. Concern is raised with any recommendations that will actively reduce Sydney Water's capacity to invest in its assets as a measure to artificially reduce water and wastewater bills.

Should you wish to discuss any of the matters raised within this letter please contact [REDACTED]

Yours faithfully
[REDACTED]
[REDACTED]
[REDACTED]

[Attach: Letter from Sydney Water, dated 28 September 2024](#)

From: "UrbanGrowth" <UrbanGrowth@sydneywater.com.au>
Sent: Wed, 25 Sep 2024 14:25:01 +1000
To: "The Hills Shire Council" <Council@thehills.nsw.gov.au>
Cc: "[REDACTED]"
Subject: (ECM:21566016) important information regarding wastewater constraints in Box Hill and Box Hill Industrial
Attachments: SP1154 capacity constraints letter (The Hills) signed.pdf, SPS1154 map.png, local-environmental-plan-making-guideline-attachment-b.pdf, SP1154_Catchment_Combined.KML, Council Referral Guideline 2023 - The Hills Shire Council.pdf
Categories: ECM

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Dear DA team of The Hills Shire Council,

Please see attached letter and other supporting documents regarding servicing constraints in parts of Box Hill and Box Hill Industrial within the Hills LGA.

If you have any questions, please do not hesitate to contact us at [REDACTED]

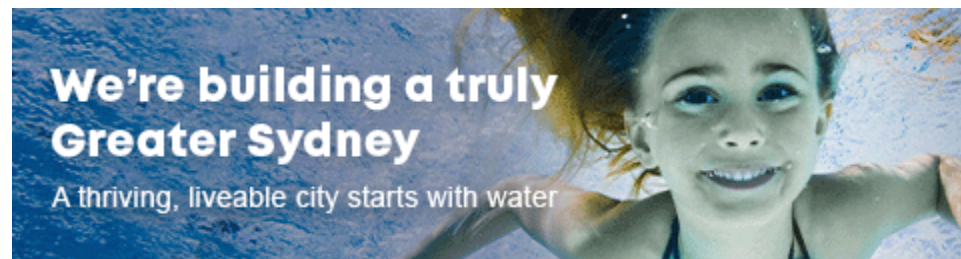
[REDACTED]

[REDACTED]

[REDACTED]

1 Smith Street
Parramatta NSW 2150

Sydney
WATER



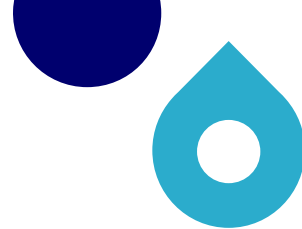


Sydney Water respectfully acknowledges the traditional custodians of the land and waters on which we work, live and learn. We pay respect to Elders past and present.

[Read more](#) about our commitment to reconciliation.



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25 September 2024

The Hills Shire Council
council@thehills.nsw.gov.au

Important information regarding wastewater constraints in Box Hill and Box Hill Industrial

Dear Council,

We are writing to bring your attention to wastewater capacity issues identified in Box Hill and Box Hill Industrial in respect to our existing pumping station asset 'SP1154' and to inform you about the impacts this has on proposed developments within your area.

As of now, our system has indicated that **SP1154 has reached capacity due to structural issues with the rising main at Windsor Road and therefore, has no additional capacity at present**. Sydney Water is actively resolving this and are currently working on upgrades and operational requirements to SP1154 and the rising main. **It is anticipated that these works will be completed in late 2025.**

In the short term, this means that we will not enable any additional Section 73 connections, not currently approved, and all in-flight cases are anticipated to be required to wait for approvals until our works are completed in late 2025.

Furthermore, Sydney Water is aware of the ongoing growth forecasted in the SPS1154 catchment (see map attached for location reference) and we acknowledge that a further upgrade to the pumping station is anticipated between 2028 and 2030/31 depending upon the rate of growth.

To ensure Council and all current and future applicants are aware of the immediate and longer-term wastewater timescale constraints, Sydney Water requests that all relevant development applications in the catchment that are impacted by SP1154 (see map) are referred to us under the impactful development clause in **Sydney Water Act 1994 Section 78**. More information on our requirements can be found in the Council Referral Guidelines pack which was sent to you on 27/09/23. A copy of which is attached.

We would like to remind Council that all impactful referrals, whether at the Planning Proposal or DA stage, should be registered via the NSW OCRS Planning Portal. Should you require any assistance in referring to Sydney Water via the NSW Planning Portal, please contact planning@planning.com.au In particular, for Planning Proposals we would ask Council to ensure that proponents follow the LEP Plan Making Guideline Attachment B, attachment b (see copy attached) which recommends that proponents register a feasibility directly with Sydney Water in advance of the PP (planning proposals) lodgement. This will assist in ensuring early intel on potential developments and forecasting growth rates and impact.

To assist council, we have also included within this letter a KML file that can be dragged and dropped over Council's spatial mapping systems to identify any developments within the SPS1154 catchment.

For any inquiries or further clarification, please do not hesitate to contact the Growth Planning Team at [REDACTED]
[REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sydney Water, 1 Smith Street, Parramatta NSW 2150

Enclosed:

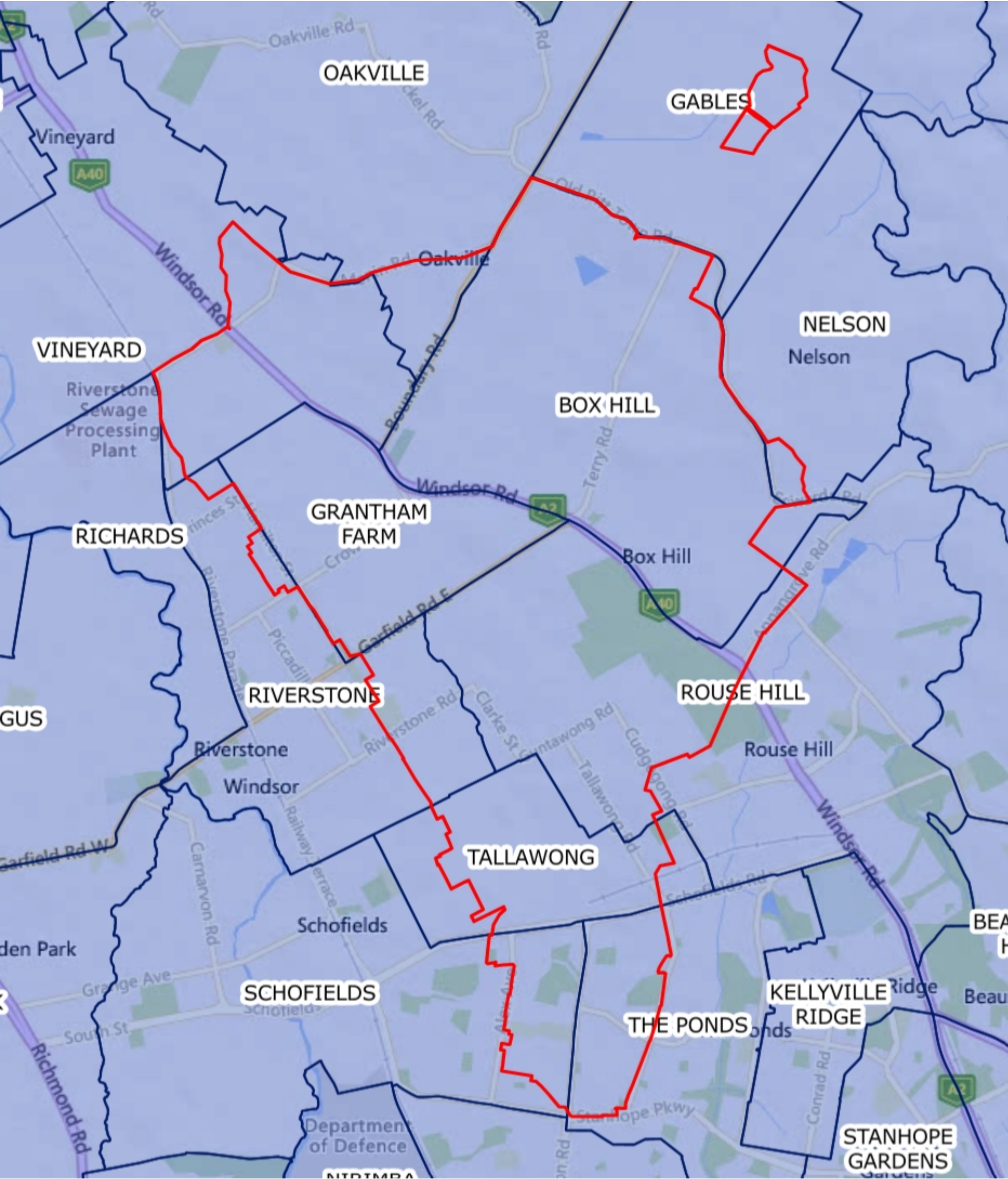
1. Copy of Council Referral Guidelines, issued 27/09/23
2. Copy of LEP Plan Making Guideline Attachment B
3. Map of SPS1154 catchment
4. KML drag and drop file of SPS1154 catchment

Sydney Water Corporation ABN 49 776 225 038

1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124

Telephone 13 20 92 **Media (24/7)** 8849 5151 sydneywater.com.au





Authority & Government Agency Pre-lodgement

How to use

The following sets out a framework for when a council (or another planning proposal authority) should engage with authorities and government agencies at the pre-lodgement stage to confirm what study and information may be needed to underpin a planning proposal. This type of early consultation is helpful to confirm relevant agency and authority expectations.

If the proposal satisfies one or more of the following criteria for a specific authority or government agency, then pre-lodgement consultation and referral of the scoping proposal to the relevant authority or government agency is encouraged to occur. Referral of the scoping proposal and any other supporting additional information is undertaken by council for proponent-initiated planning proposals and by the Department for council-initiated planning proposals if no consultation has yet been undertaken by council.

This document does not preclude engagement with authorities and government agencies at other times in the process. Referral of a planning proposal to relevant authorities and government agencies may still need to occur prior to or at the public exhibition stage (i.e. after a Gateway determination) as set out in a local planning direction under section 9.1 of the EP&A Act, a Gateway condition and/or where a planning proposal authority or authority/agency has an interest in the proposal.

This document is not intended to be a static document, rather it will evolve and be updated with authorities and government agencies as needs change.

Note – Referral to authorities and government agencies is encouraged but not mandatory. The Department is currently collaborating with authorities and government agencies and council in finalising this referral process – in the interim, referral and feedback is not a requirement but is a desirable outcome.

Information required by authorities and government agencies at pre-lodgement

To assist in this process authorities and government agencies may require initial base information about the planning proposal, additional to the minimum information required in the scoping proposal template (see Attachment A). This approach will assist authorities and government agencies in providing more targeted advice about the proposal, technical requirements or matters that need to be considered or addressed when the planning proposal is being prepared. This does not preclude any additional information and/or existing studies being provided by the proponent and/or council if they feel that this is considered helpful. Agencies and/or authorities may clarify if they need further information upon receipt of the request for comments and advice.

Authorities and government agencies to be consulted

A checklist is provided below regarding the authorities and government agencies that may need to be consulted in the referral of the scoping proposal pre-lodgement. The list is not exhaustive. The Department is continuing to work with authorities and government agencies to update this document to include the referral requirements for pre-lodgement and other consultation for those authorities and government agencies not currently included in the table below.

In the interim, Councils and the Department should exercise their discretion on when a planning proposal should be referred to a particular authority or government agency that is not identified in the table below either at the scoping stage or during other stages of the LEP making process.

Agency	Criteria Requiring Pre-lodgement engagement	Additional information to be addressed in the scoping proposal
Department of Planning and Environment Place and Infrastructure (Central River City and Western Parklands and Eastern Harbour City) and Planning and Assessment (Local and Regional Planning)	<ol style="list-style-type: none"> The proposal is of regional or State importance because it is in an identified strategic location, or is critical in advancing the nominated strategic direction or achieving a nominated strategic outcome, contained in a relevant State policy, plan or strategy, or regional or sub-regional strategy The proposal delivers major public benefits such as large-scale essential transport, utility infrastructure, or social services to the community The proposal is likely to have significant environmental, social or economic impacts or benefits, be of a significant hazardous or environmentally-polluting nature, or is located in or in close proximity to areas or locations that have State or regional environmental, archaeological or cultural heritage significance The proposal is of significant economic benefit to a region, the State or the national economy, such as those with high levels of financial investment and continuing or long-term employment generation The proposal is geographically broad in scale, including whether it crosses over multiple council and other jurisdiction boundaries, or impacts a wide area beyond one local government area The proposal is complex, unique or multi-faceted and requires specialist expertise or State coordinated assessment, including where councils require or request State assistance, where a proposal is inconsistent with an endorsed regional or State planning policy or where it relies on regional or State infrastructure 	No additional information required
1. Transport for NSW (Greater Sydney)	<ol style="list-style-type: none"> The planning proposal has a potential significant impact on the transport network and is likely to require the preparation of a comprehensive transport impact assessment. The proposal delivers major public benefits such as large-scale essential transport, utility infrastructure, or social services to the community For example, but not be limited to: town centre developments/redevelopments, substantial retail, commercial, industrial or mixed used uplift, increases of residential dwellings of >1,500 dwellings in existing centres serviced by mass transit or greenfield precincts outside centres and not well serviced by mass transit, such as on land zoned for non-urban purposes The planning proposal relates to land / development in or adjacent to a SP2 Classified Road and/or rail corridors and interim rail corridors, such as SP2 Rail Infrastructure and/or above substratum road infrastructure / tunnels and/or State managed transport bridges and/or transitway (dedicated bus lanes or light rail) The planning proposal relates to land that has been identified or is under investigation for a future transport corridor that is located within or in proximity to the site The planning proposal proposes an alteration to a road reservation The planning proposal facilitates a new public and / or non-government school The planning proposal requires State and Regional transport infrastructure upgrades, including any State Voluntary Planning Agreement (VPA) offers The proposal is likely to require a future evacuation strategy for hazards such as flooding or bushfire, and a multi-agency approach is required in relation to modelling / managing traffic congestion The planning proposal responds to a 'change in circumstance' in relation to its strategic merit, and relies on new Regional or State transport infrastructure (bus, passenger rail, freight, road, light rail) 	<ul style="list-style-type: none"> Preliminary concept plan showing proposed access arrangements Short statement on where the proposal sits in terms of strategic framework (i.e. in a growth area, fringe area, not identified etc) Estimated yield and land use breakdown (GFA or other) Estimated travel demand (number of trips by mode) Preliminary analysis of traffic and transport impacts to understand: <ul style="list-style-type: none"> high-level pre-development and post-development scenarios potential impacts on existing and future transport networks potential services and infrastructure required to support the proposal potential need for / type of traffic modelling (if required) approach to on-site car parking active transport requirements Proposed scope and methodology for detailed analysis and proposed assumptions (i.e. traffic generation rates, public transport mode shifts, trip containment, directional split etc) <p>Note: The above preliminary analysis is proposed to be a desktop / spread sheet analysis only - to inform future modelling requirements (if required).</p>

2. Transport for NSW (Regions)	<ol style="list-style-type: none"> 1. The proposal results in a net increase in travel demand of more than 250-person peak hour trips 2. The proposal facilitates development for a purpose, size and capacity as set out in Column 2 of the Table in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 3. The proposal facilitates development that has direct vehicular or pedestrian access to a State classified road for a purpose, size and capacity as set out in Column 3 of the Table in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 4. The planning proposal relates to land that has been identified or is under investigation for a future transport corridor that is located within or in proximity to the site 5. The proposal is likely to require a future evacuation strategy for hazards such as flooding or bushfire, and a multi-agency approach is required in relation to modelling / managing traffic congestion 6. The proposal responds to a change in circumstance which relies on new transport infrastructure (bus, passenger rail, freight, road, light rail) 7. The proposal is silent on or assumes State Government will fund all or part of any required Regional or State transport infrastructure upgrade 8. The proposal states that it will be accompanied by an offer to enter into a VPA with the State Government to deliver transport infrastructure 	<ul style="list-style-type: none"> • Preliminary concept plan showing proposed access arrangements • Short statement on where the proposal sits in terms of strategic framework (i.e. in a growth area, fringe area, not identified etc) • Estimated yield and land use breakdown (Greenfield Area [GFA] or other) • Estimated travel demand (number of trips by mode) • Preliminary analysis of traffic and transport impacts to understand: <ul style="list-style-type: none"> o high-level pre-development and post-development scenarios o potential impacts on existing and future transport networks o potential services and infrastructure required to support the proposal o potential need for / type of traffic modelling (if required) o approach to on-site car parking (if appropriate) o active transport requirements • Proposed scope and methodology for detailed analysis and proposed assumptions (i.e. traffic generation rates, public transport mode shifts, trip containment, directional split etc) <p>Note: The above preliminary analysis is proposed to be a desktop / spread sheet analysis only - to inform future modelling requirements (if required).</p>
3. Transport for NSW (Sydney Metro)	<ol style="list-style-type: none"> 1. The planning proposal relates to land that: <ul style="list-style-type: none"> o is within 25m of rail or tunnel infrastructure, or 200m radius of a planned station, or o is wholly or partly zoned SP2 Infrastructure (Classified Road or Rail affection) 	No additional information required
4. Rural Fire Service (RFS)	<ol style="list-style-type: none"> 1. The proposal relates to land that is mapped as bushfire prone land, and: <ul style="list-style-type: none"> o involves a change of use to another use which may increase the risk to health and the environment from a bushfire and evacuation perspective o involves a significant intensification of an existing uses / development on the land o the land currently has inadequate emergency or water supply access 2. The planning proposal relates to land that is not mapped as bushfire prone but the proposal may result in a potential bushfire hazard. This involves planning proposals that result in large tracts of vegetated land / or the rehabilitation of existing vegetated land 3. The proposal is likely to require a future evacuation strategy and a multi-agency approach is required in relation to modelling / managing traffic congestion <p>Note: A land use that may increase the risk to health and the environment from a bushfire and evacuation perspectives includes residential accommodation, seniors housing, and / or tourist and visitor accommodation.</p> <p>Note: The above criteria does not preclude consultation with the RFS in accordance with Local Planning Direction 4.4 – Planning for Bushfire Protection.</p>	<ul style="list-style-type: none"> • Preliminary concept plan showing indicative road layout and access arrangements (overlay on bushfire mapping) • Description of vegetation on the site and slope details • Constraints mapping • Indicative development yield (range) and population • Proposed scope of work for preliminary bushfire assessment (level of investigation must be appropriate to the potential risk from bushfire)

5. School Infrastructure NSW	<ol style="list-style-type: none"> 1. The proposal relates to land within Greater Sydney that will facilitate more than 250 additional dwellings / lots 2. The proposal relates to land outside of Greater Sydney that will facilitate more than 100 additional dwellings / lots 3. The proposal makes provision for a new public primary and / or secondary school 4. The proposal is located on land adjacent to an existing public school and future development may impact on existing or future access arrangements (pedestrian, cycle and / or vehicular), solar and daylight access and privacy to the school site. 	<ul style="list-style-type: none"> • Preliminary concept plan showing proposed school site and proposed access arrangements • Indicative heights of buildings, shadow diagrams (only required if site is adjacent to an existing or known future school) • Land use breakdown (GFA or other) • Proposed yield (range) by dwelling type and development staging (yield per stage) • Mapping files (if available)
6. Heritage NSW	<ol style="list-style-type: none"> 1. The planning proposal relates to work that may harm Aboriginal objects or an Aboriginal Place 2. The land to which the planning proposal relates includes, adjoins, is adjacent or in the vicinity of: <ul style="list-style-type: none"> o State Heritage Register (SHR) listed item or items o a place which has been nominated for listing on the SHR o a place subject to an Interim Heritage Order (IHO), which may be of State heritage significance o State significant historical archaeological relics (known or likely) o State significant maritime archaeology (known or likely) 	<ul style="list-style-type: none"> • The name, description and statutory heritage listing details and commentary on potential impacts • Identification of known or potential Aboriginal objects and Aboriginal Places on or within the vicinity of the proposal site (if known) • Details of any consultation with the relevant Aboriginal people, including the Local Aboriginal Land Council and views on the significance of objects or places and likely impacts of the proposal on their cultural heritage (if undertaken) • Any issues / matters that the proponent wants to discuss
7. WaterNSW	<ol style="list-style-type: none"> 1. The planning proposal relates to land within the Sydney Drinking Water Catchment 2. The planning proposal relates to land that is outside the Sydney Drinking Water Catchment and directly affects or adjoins a WaterNSW-owned land, asset and / or water supply asset <p>Note: The above criteria does not preclude consultation with WaterNSW as required under Ministerial Direction 5.2 – Sydney Drinking Water Catchment.</p> <p>The Sydney Drinking Water Catchment map can be accessed here: https://www.waternsw.com.au/water-quality/catchment/catchment-map</p>	<ul style="list-style-type: none"> • Identify and map watercourses and open areas of water and identify any water quality risks associated with the proposal (if relevant) • Current and proposed zoning of designated ‘Special Area’ lands (if applicable) (relevant to Sydney drinking Water Catchment only) • The likelihood of the proposal being able to meet the Neutral or Beneficial Effect (NorBE) on water quality at development assessment stage (relevant to Sydney Drinking Water Catchment only) • Strategic Land and Water Capability Assessment (SLWCA) maps (if relevant) • Identify any relevant WaterNSW land and assets affected by or neighbouring the proposal and expected impacts (if relevant)

8. Sydney Water Corporation	<ol style="list-style-type: none"> The planning proposal relates to: <ul style="list-style-type: none"> Land that is within the Sydney Water Growth Servicing Plan but requires planning or infrastructure to be brought forward to service the proposal Land outside of an identified urban area or NSW Government land release program - remote from existing water and/or sewer network and/or where the most suitable point of connection needs to be investigated further A large development proposal with high water demand and / or sewer loadings that may require new and / or augmented transportation systems, pumping stations and storages Land elevated above the existing supply limits where new water booster stations and / or local high-level storages are necessary Land within sub-catchments that may require a new wastewater pump station to transport flows into an adjoining sewerage system Priority Sewerage Program (PSP) areas or un-serviced fringe areas where alternative sewerage systems may be available (pressure lines, gravity mains etc) The proponent assumes Sydney Water will either fund the required trunk infrastructure (in whole or in part) or will reimburse the proponent as part of a future commercial agreement The planning proposal includes residential or other sensitive land uses within a water or wastewater treatment buffer zone <p>Note: Under section 78 of the Sydney Water Act 1997, Sydney Water Corporation requires notification of development and building applications that primarily:</p> <ol style="list-style-type: none"> increase the demand for water supplied by the Corporation, or increase the amount of wastewater that is to be removed by the Corporation, or damage or interfere with the Corporation's works, or adversely affect the Corporation's operations 	<ul style="list-style-type: none"> Planning proposal enquiries should be directed via the SWC feasibility application process Land use breakdown (GFA or other) Proposed yield (range) and indicative development staging (yield per stage) Types of services required (water, wastewater and recycled water, industrial water use) Demand forecast based on jobs and dwelling numbers indicated and Sydney Water recognised standard codes with calculations shown Possible connection points for your development, based on the 'Dial before you Dig' plan
9. Hunter Water Corporation	<ol style="list-style-type: none"> The planning proposal includes residential or other sensitive land uses within a water treatment zone or buffer zone The planning proposal relates to: <ul style="list-style-type: none"> Land outside of an identified urban area / remote from existing water and/or sewer network and/or where the most suitable point of connection needs to be investigated further A large development proposal with high water demand and/or sewer loadings that require new and/or augmented transportation systems, pumping stations and storages Land elevated above the existing supply limits where new water booster stations and/or local high-level storages are necessary Land within sub-catchments that require a new wastewater pump station to transport flows into an adjoining sewerage system Un-serviced fringe areas where alternative sewerage systems may be available (pressure lines, gravity mains etc) 	<ul style="list-style-type: none"> Land use breakdown (GFA or other) Proposed yield (range) and indicative development staging (yield per stage) Types of services required and likely capacity Demand forecast based on Hunter Water recognised standard codes Preliminary servicing advice https://selfservice.hunterwater.com.au/accounts/register
10. NSW Health	<ol style="list-style-type: none"> The proposal relates to land that is within proximity or adjacent to an existing or planned future hospital and: <ul style="list-style-type: none"> is likely to result in a significant increase in traffic along hospital approach roads (i.e. effecting emergency access) facilitate buildings that are of a particular height, shape or position and temporary cranes which could affect emergency helicopter flight paths The proposal facilitates the development or redevelopment of a new or existing precinct, specialised centre and the like for a mix of land uses including, but not limited to residential, health, education and / or employment 	No additional information required

11. NSW Environmental Protection Authority (EPA)	<ol style="list-style-type: none"> 1. The planning proposal facilitates development for a purpose that has the potential to pose a significant risk to the environment, human health and amenity due to pollution or waste 2. The planning proposal seeks approval for residential uses and / or other sensitive land uses on land within proximity to: <ul style="list-style-type: none"> o notified or regulated contaminated sites, o existing heavy industrial uses and/or o other existing activities which have a current environment protection licence to operate 3. The planning proposal seeks approval for industrial uses within proximity to: <ul style="list-style-type: none"> o notified or regulated contaminated sites, o residential uses and/or other sensitive land uses <p>Note: The NSW EPA provides information on notified and regulated contaminated sites and land. Refer https://www.epa.nsw.gov.au/your-environment/contaminated-land/notified-and-regulated-contaminated-land</p>	<ul style="list-style-type: none"> • Description of proposed works, commentary on impacts on surrounding development
12. NSW Department of Primary Industries (Agriculture)	<ol style="list-style-type: none"> 1. The proposal seeks to rezone rural land mapped as State Significant Agricultural Land, or in the absence of a final State Significant Agricultural Land Map, land and soil capability classes 1-3, irrigated land or land mapped as State or regionally significant farmland on the North Coast, to an urban zone 2. The proposal seeks to permit land uses in a rural zone which may be incompatible with agricultural resources or enterprises <p>A preliminary draft State Significant Agricultural Land map can be found here: Social Pinpoint SSAL (mysocialpinpoint.com)</p> <p>Land and Soil capability class mapping can be found here: Geocortex Viewer for HTML5 (nsw.gov.au)</p> <p>The North Coast mapping can be found here: North Coast Region resources and maps - (nsw.gov.au)</p> <p>Note: The above criteria does not preclude consultation with the NSW Department of Primary Industries as required in accordance with Ministerial Direction 1.3 – Mining, Petroleum Production and Extractive Industries and Ministerial Direction 1.4 – Oyster Aquaculture or any State Environmental Planning Policy</p>	No additional information required
13. Subsidence Advisory NSW	<ol style="list-style-type: none"> 1. The planning proposal relates to land that: <ul style="list-style-type: none"> o is within a Mine Subsidence District (identified on the NSW Planning Portal) or, o has been identified as within an area where there is potential mine subsidence risk (in a study, strategy or other assessment, or within the Underground Coal Mine Area layer on the NSW Planning Portal) 2. The planning proposal relates to land which is the subject of a current mining lease and / or on land which may be subject to future mining proposals <p>Note: Mine Subsidence Districts are available on the NSW Planning Portal as a planning layer.</p> <p>Note: The above criteria does not preclude consultation with the Subsidence Advisory NSW as required under Ministerial Direction 4.2 – Mine Subsidence and Unstable Land.</p>	<ul style="list-style-type: none"> • Details on the scale, density and type of development

14. Jemena, Viva Energy, Caltex, Qenos, Exxon Mobil, APA Group, Energy Australia, BP Australia, AGL Energy, Ausgrid	<ol style="list-style-type: none"> The proposal relates to land which is within the licence area or within 20 m (measured radially) of the centreline or easement of any of the listed high-pressure pipeline and includes one of the following uses: <ul style="list-style-type: none"> high density residential commercial hospitals schools childcare aged care facilities other sensitive uses <p>Note: Listed high-pressure pipelines are identified within Planning Circular PS 18-010. https://www.planning.nsw.gov.au/-/media/Files/DPE/Circulars/planning-circular-18-010-act-and-regulation-changes-2018-10-26.pdf?la=en</p>	<ul style="list-style-type: none"> Development footprint and proposed land uses Indicative excavation details (cut and fill)
15. NSW Environment, Energy and Science (Biodiversity)	<ol style="list-style-type: none"> The proposal relates to land that contains native vegetation The proposal relates to land that is mapped on the Biodiversity Values map (https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/when-does-bos-apply/biodiversity-values-map) The proposal relates to land that is mapped in an LEP as riparian land and watercourses, terrestrial biodiversity, flood planning, coastal risk planning, foreshore area and may result in impacts as part of future development works The proposal seeks to rezone land currently zoned for environmental purposes (i.e. E2 Environmental Conservation or E3 Environmental Management) to another land use zone A proposal that mentions biodiversity offsets, preparation of vegetation management plans and the like The proposal relates to land that adjoins a national parks and other protected area 	<ul style="list-style-type: none"> Preliminary concept plan including indicative lot sizes (range) Proposed land use zonings and high-level justification for these, including appropriateness of the zoning of the remainder of the land parcel Preliminary ecological analysis to determine if the site has native vegetation and its associated values Proposed scope and methodology for detailed analysis <p>Note:</p> <ul style="list-style-type: none"> Native vegetation includes ground cover and/or trees The preliminary ecological analysis is to be undertaken by a qualified and experienced ecologist
16. NSW Environment, Energy and Science (Flooding and Water)	<ol style="list-style-type: none"> The proposal relates to land that is mapped in an LEP as flood planning, coastal risk planning, foreshore area and may result in impacts as part of future development works The proposal relates to land below the flood planning level and proposes land uses that will result in future development works on flood-prone land The planning proposal creates, removes or alters a zone or a provision that affects flood prone land and the proposal is inconsistent with one or more of the terms of Direction 4.3 – Flooding under section 9.1 of the EP&A Act 	<ul style="list-style-type: none"> Details of proposed consistency
17. National Resources Access Regulator (NRAR)	<ol style="list-style-type: none"> The proposal seeks to rezone existing riparian area (i.e. generally E2 Environmental Conservation to another zone) The proposal will facilitate an activity that will affect the quantity or flow of water in a water source The proposal relates to ‘waterfront land’ as defined in the Water Management Act 2000 and the resulting proposal would not comply with the NRAR Guidelines for riparian corridors on waterfront land and requires a merit-based assessment The proponent is an NRAR customer and the resulting proposal would require water supply from a groundwater or surface water source requiring licencing or approvals under the Water Management Act 2000 (e.g. production bores, dams, surface water pump extraction) <p>Note: As a first step, proponents should seek advice through NRAR Assist, a web-based tool which can be accessed here: https://www.dpie.nsw.gov.au/nrar/nrar-assist</p>	<ul style="list-style-type: none"> Indicative concept plan and assessment of waterfront land Consideration of water requirements for the proposal Indicative zoning information Consideration of <i>Water Management Act 2000 including Water Sharing Plans, CAA Guidelines and any exemptions that would apply under the Water Management (General) Regulation 2018</i>

18. Sydney Airport	<ol style="list-style-type: none"> 1. The proposal would, if approved, result in a reduction in area of existing employment lands in the vicinity of Sydney Airport. This would include any proposal to change the land use zoning from IN1 General Industrial, IN2 Light Industrial, B5 Business Development or B6 Enterprise Corridor to any other zone that would permit residential, educational, retail, childcare or other sensitive land uses 2. The proposal would, if approved, allow an activity that would potentially interfere with the safety or efficiency of existing or forecast future air transport operations into or out of Sydney Airport. These would include any proposal that would allow an activity defined as a “controlled activity” under section 182 of the <i>Airports Act 1996</i> (Cth) to be carried out 3. Any proposal that would, if approved, raise a matter relevant to the National Airports Safeguarding Framework (NASF) and its Guidelines A to I 4. Any proposal that affects land that adjoins Sydney Airport, including any land subject to the <i>Airports Act 1996</i> that is not part of the main airport site 5. Any proposal within 1 km of Sydney Airport that would permit development that would result in a significant increase in traffic along airport approach roads <p>Note: The above criteria does not preclude consultation in accordance with Local Planning Direction 3.5 – Development Near Regulated Airports and Defence Airfields.</p>	<ul style="list-style-type: none"> • Description of proposed works, concept plan showing location and indicative heights of any buildings
19. State Emergency Service (SES)	<ol style="list-style-type: none"> 1. The proposal relates to land that is identified as flood liable, and: <ul style="list-style-type: none"> o involves a change of use that may increase the risk to life from a flood emergency o involves an increase in the density or intensification of an existing uses / development on the land o the land currently has low evacuation capability in terms of flood mitigation infrastructure, access, evacuation options and emergency response etc 	No additional information required

<p>20. Western Sydney Airport (WSI)</p>	<p>1. The planning proposal relates to land that is within proximity of Western Sydney Airport and has the potential to impact on aviation safeguarding of Western Sydney International (Nancy-Bird Walton) Airport (WSI), as prescribed by Part 3 of State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP). [Note some of the below matters extend beyond the geographic area of the Aerotropolis.]</p> <p>Note: Aviation safeguarding measures relate to key risks such as:</p> <ul style="list-style-type: none"> • Aircraft noise • Building wind shear and turbulence • Wildlife hazards • Wind turbines • Lighting • Airspace operations • Public safety <p>2. The planning proposal may result in an adverse impact upon the efficient and safe operation of the full long-term development of WSI (i.e. two runway operations)</p> <p>3. Any other matter which has the potential to impact on WSI planning or operations</p> <p>Note: Proposals that have the potential to impact upon the efficient and safe operation of WSI include:</p> <ul style="list-style-type: none"> • Proposals which affect established aviation safeguarding measures to protect the long-term operations of WSI, including any of the aviation safeguarding measures identified at Point 1 above • Proposals which seek to introduce or increase noise sensitive land uses (including land rezoning for residential uses) within or proximate to WSI ANEC/ANEF noise contours. Noise sensitive land uses are defined under Clause 19(6) of the Aerotropolis SEPP • Proposals which seek to establish waste management facilities in proximity to WSI • Proposals which seek to reduce land used for employment or urban services or amend the Metropolitan Rural Area boundary • Proposals which have the potential to impact on prescribed airspace, as defined under the Airports Act 1996. It should be noted that the Airports Act 1996 covers any intrusions into prescribed airspace, which could include: <ul style="list-style-type: none"> (a) constructing permanent structures, such as buildings, into the protected airspace; (b) temporary structures such as cranes protruding into the protected airspace; or (c) activities causing non-structural intrusions into the protected airspace such as air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter <p>Note: Proposals which have the potential to result in environmental impacts on WSI including, but not limited to:</p> <ul style="list-style-type: none"> • potential traffic / transport impacts on the regional road network; • potential flooding / stormwater impacts on key environment corridors; • potential for air quality impacts in the vicinity of WSI <p>Note: The above criteria does not preclude consultation in accordance with Local Planning Direction 3.5 – Development Near Regulated Airports and Defence Airfields</p>	<ul style="list-style-type: none"> • Description of proposed works, concept plan showing location and indicative heights of any buildings • Information on how the proposed development would relate to WSI and aviation safeguarding
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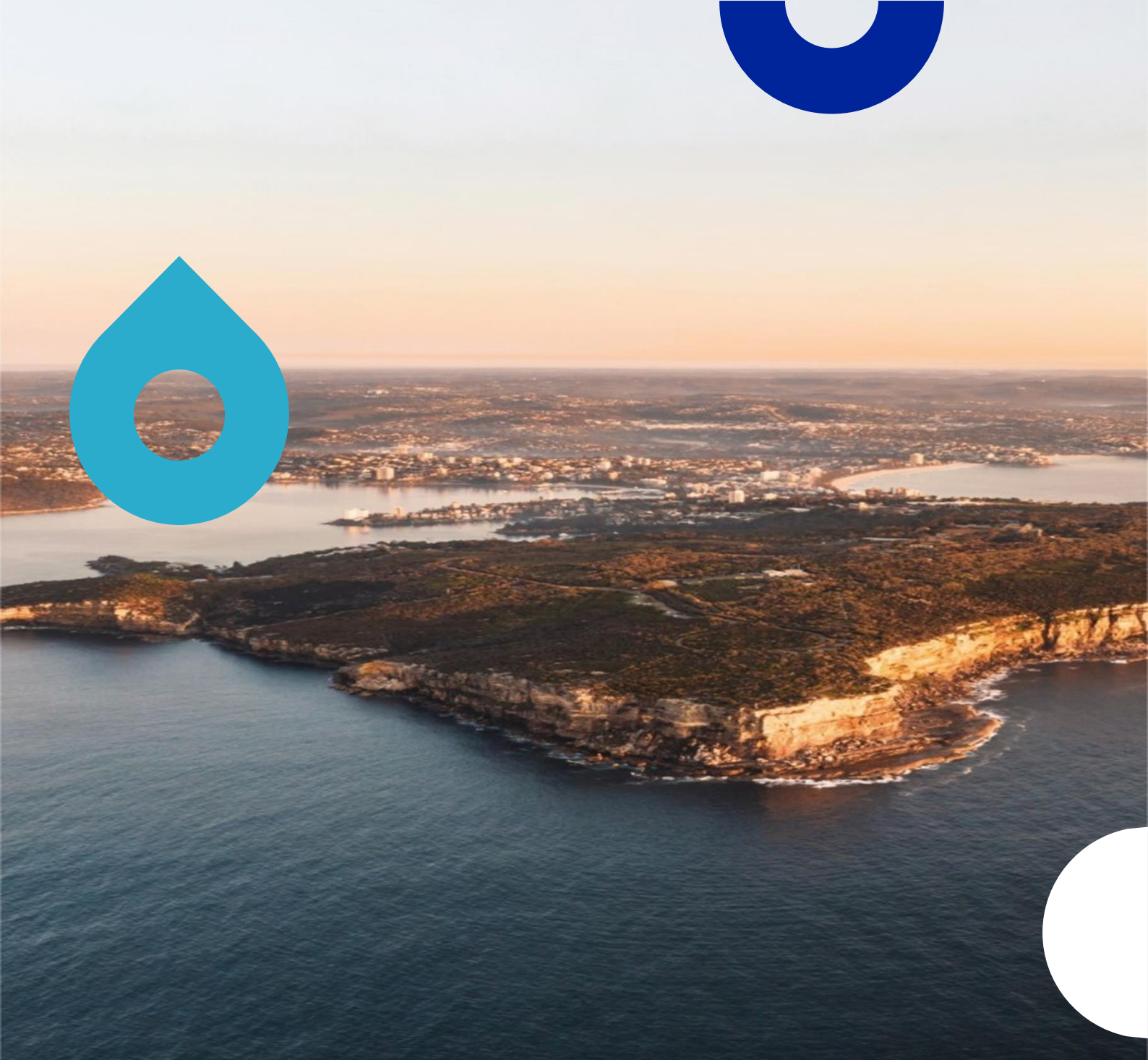
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ALT_REF	40.2
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TOT_AREA	2811.288413
POPULATN	57549.4297206402
POP_DNSE	10554.6834553223
SYSTYPE	FOUL
TRADEFLW	0
INFILTRN	0
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MODEL	Y
MODARTYPE	
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RES_ARF	480.443380061388
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Council Referral Guidelines

The Hills Shire Council

September 2023 Version 1

Sydney
WATER



Acknowledgement of Country

Sydney Water respectfully acknowledges the Traditional Custodians of the land and waters on which we work, live and learn. We pay respect to Elders past and present.



Council referral guidelines

Purpose.....	1
Why should council refer?	1
What should be referred?	1
Sydney Water referral process	1

Referral triggers

Asset Impact Trigger	2
Growth Servicing Trigger.....	2
Areas that require additional review in your LGA	3
Area specific servicing trigger	3

Other council referrals

Planning proposals and strategic plans.....	4
Neighbour notifications.....	4
Council capital projects	4

Important notes

Standard Conditions to include in development applications	4
Feasibility advice from Sydney Water	4
Consultant Servicing investigation reports	4
Sydney Water DA Referral Information Sheet	5
Growth information request	5

Quick links

5

Breakout notes

Locating Sydney Water Assets	2
Documents required for referral review	2
Priority Sewerage Program	3
GSP Precincts.....	3

Tables

Table 1. Asset impact trigger.....	2
Table 2. Growth servicing trigger	2
Table 3a. Areas identified within the The Hills LGA that require additional review.....	3
Table 3b. Area specific triggers.....	3



Appendices

- Appendix A Sydney Water development conditions
- Appendix B Types of development that need a Section 73 Certificate
- Appendix C Our Section 73 requirements for secondary dwellings
- Appendix D Sydney Water DA Referral Information Sheet (for developers info only)
- Appendix E Sydney Water Growth Servicing Plan
- Appendix F Example of growth information required by Sydney Water
- Appendix G Sydney Water Act 1994 Section 78
- Appendix H PSP scheme area in your LGA
- Appendix I Sydney Water servicing areas in your LGA



This guide is issued to help councils to meet the referral requirements under *Section 78 of the Sydney Water Act 1994*. Councils should use this document to determine whether an application for development approval requires input from Sydney Water.

Purpose

- Provide councils with clearer and improved ways to refer developments to us.
- Reduce the number of small scale/noncritical referrals and ad-hoc enquiries to us.
- Enhance the quality of our referral response and reliability of the service we provide to councils.
- Build consistency in the referral process and our contact points for council matters.
- Improve collaboration and communication between councils and Sydney Water.

Why should council refer?

Sydney Water Corporation (Sydney Water) has been identified by the Department of Planning and Environment as a referral authority; and developments that impact water infrastructure may trigger a referral requirement under the *Sydney Water Act 1994 Section 78* (see **Appendix G**).

By referring, it allows:

- councils to understand servicing availability and timeframes for developments, especially in areas with constrained servicing capabilities.
- proponents to have early engagement with Sydney Water. This can potentially minimise delays if we need to resolve development issues.
- visibility of development demands and whether the development is likely to meet government growth projections and timeframes and, ultimately, inform our planning and investment decisions.

What should be referred?

If a development meets any of the triggers below, the consent authority should refer it to us for review:

- **Asset impacts trigger:** the development will adversely affect a significant Sydney Water operational network asset.
- **Growth servicing trigger:** the development will significantly increase the demand for our services.
- **Area specific trigger:** your LGA includes any areas that require additional review as identified by us.

Further detail on the thresholds for these triggers is provided in the tables in this document.

Sydney Water Referral Process





Asset Impact Trigger

Some developments may impact our water, wastewater or stormwater mains, easements or other Sydney Water infrastructure. If physical works proposed meet the criteria in **Table 1**, then the development should be referred to us.

Table 1. Asset impact trigger⁽¹⁾

Asset Type	Trigger
Potable water pipes	All sizes within or on the property boundary
Recycled water pipes	All sizes within or on the property boundary
Gravity wastewater pipes	DN300 and above within or on the property boundary
Pressure or vacuum wastewater pipes	All sizes within or on the property boundary
Sydney Water stormwater pipes and channels	The outside edge of all sizes traversing or within one metre from the property boundary
Sydney Water easement (access to SW assets)	Any easement within the property boundary
State and local heritage listed Sydney Water assets	Any developments within three metres from the State Listed items (e.g. Bondi Ocean Outfall Sewer) and/or one metre from Local Listed Items

Locating Sydney Water Assets

There are two ways that councils can access our most up to date asset layers:

- [Spatial Collaboration Portal](#) (only for eligible council account holders)
- Request via gisdatarequest@sydneywater.com.au. A mutual agreement may be required dependent on the existing policy in place.

Growth Servicing Trigger

Some developments have significant impacts on our servicing demand. The development should be referred if it falls under the categories in **Table 2**.

Table 2. Growth servicing trigger

Type of Development	Trigger
Residential	<ul style="list-style-type: none">Uplift of ≥ 100 dwellings or lots
Employment-generating	<ul style="list-style-type: none">Uplift of $\geq 20,000$ m² of Gross Floor Area, orUplift of ≥ 500 full-time equivalent jobs
High water-use or high trade wastewater-generating developments ⁽²⁾	<p>Including but not limited to:</p> <ul style="list-style-type: none">data centresheavy manufacturing, food/drink productionwaste recovery facilitiesschools, childcare, hospitals, golf courseshotels, serviced apartmentsclubs, pubs, car washes, commercial laundry.

Documents required for referral review

⁽¹⁾ Developments referred under Asset impact trigger(s):

- Details about the proposed use of the development site.
- Plans showing the proposed temporary or permanent structures in relation to Sydney Water's asset(s).

⁽²⁾ High water-use developments and or high trade wastewater generating developments:

- Water/recycled water/wastewater usage/discharge specifying peak, average day and maximum day flows and diurnal pattern and any other supporting hydraulic data.
- Development staging and timeframe.



Areas that require additional review in your LGA

Table 3a contains a list of areas within your LGA that may be affected by Sydney Water network constraints hence different triggers apply.

Any development in the areas identified in **Table 3a** should be referred to us where the development also meets one or more triggers in **Table 3b**.

Table 3a. Areas identified within The Hills LGA that require additional review

Area	Comments
PSP areas ⁽³⁾	Glenorie (part)
Box Hill North ⁽⁴⁾	Wastewater service is provided by private supplier(s)
Areas outside of Sydney Water's servicing area	Developments in areas that are not serviced by Sydney Water whether they are within or outside of our Growth Servicing Plan (See Appendix I) that seek to connect to Sydney Water's networks.



Area Specific Servicing Trigger

Table 3b. Area specific triggers

Type of Development	Trigger
Residential	<ul style="list-style-type: none">Uplift of ≥ 1 dwelling or lot including secondary dwellings
Employment-generating	<ul style="list-style-type: none">Uplift of ≥ 1 job
High water-use or high trade wastewater-generating developments ⁽²⁾	<p>Including but not limited to:</p> <ul style="list-style-type: none">data centresheavy manufacturing, food/drink productionWaste recovery facilitiesSchools, childcare, hospitals, golf courseshotels, serviced apartmentsclubs, pubs, car washes, commercial laundry.

(3) Priority Sewerage Program

All development uplifts within the PSP area should always be referred to us for up-to-date wastewater servicing advice. Alternative wastewater arrangements may be required if our assessment is returned with a negative result. See **Appendix H** for more details regarding the program and capacity status in the affected areas within your LGA.

(4) GSP Precincts

Please refer to Appendix E and Sydney Water website [Growth Servicing Plan](#) for the location of the precinct(s) identified.



Other council referrals

Planning Proposals and Strategic Plans

Councils are encouraged to use the NSW Planning Portal when referring planning proposals and other strategic plans to us and, where this is not possible, you can send to

urbangrowth@sydneywater.com.au.

Neighbour Notifications

The Sydney Water Group Property Team manages lands own by Sydney Water and our property portfolio. Councils are advised to post their neighbour notifications to the address below.

Sydney Water Group Property
Sydney Water Corp
PO Box 339
Parramatta NSW 2124

Council Capital Projects

Sydney Water encourages councils to partner with us when planning capital projects or programs including road upgrades and improvements and street tree planting. By working collaboratively, we can minimise disruptions to our communities and residents as well as manage the potential risk of damage to our assets including pipes, structures and easements. For road works and other council capital projects, contact the Sydney Water Local Government team via

Localgovdevelopment@sydneywater.com.au.

Important notes

Standard conditions to include in development consent

While we ask Council to refer the above types of developments to us for comment, we still require conditions to be incorporated into the development consent where required. **Appendix A** includes specific wording for developments that require a Section 73 Compliance Certificate, as well as any excavation, demolition, building or construction

work that requires Sydney Water's Building Plan Approval. The Appendix also included a new development condition related to tree planting to minimise damage to our assets.

Sydney Water's Building Plan Approval must be obtained before the issue of a Construction Certificate or Complying Development Certificate, and a Section 73 Certificate must be obtained before the release of an Occupation or Subdivision Certificate.

More information about the types of developments that require a Section 73 Compliance Certificate are outlined in **Appendix B**. **Appendix C** contains more details regarding our Section 73 requirements for secondary dwellings.

Feasibility advice from Sydney Water

Council is not recommended to rely solely on feasibility advice from Sydney Water as feasibility letters are only valid on the date issued and are subject to change. In areas with inherent servicing constraints, there is a risk that Council may grant consent to a DA that subsequently cannot be approved by Sydney Water at the Section 73 stage. Therefore, proponent-initiated investigations or consultations do not negate the statutory development referral process. Council should continue referring to Sydney Water in accordance with our Referral Guidelines.

Consultant servicing investigation reports

Council is not recommended to rely solely on servicing investigation reports provided by the applicants or their consultants. An infrastructure report prepared by external consultants without Sydney Water's full involvement may not have been endorsed by Sydney Water. Therefore, proponent-initiated investigations or consultations do not negate the statutory development referral process. Council should continue referring to Sydney Water in accordance with our Referral Guidelines.



Sydney Water DA referral information sheet

A DA Referral Information Sheet (see **Appendix D**) has been prepared for proponents to better understand where to seek information from Sydney Water and how to make applications with Sydney Water for their proposed works. It is recommended that Council pass this Information Sheet to proponents at their Notice of Determination phase.

Growth information request

To assist us in prioritising and phasing asset upgrades, especially for larger developments, we sometimes request growth information from the proponent or Council, whether the development falls within or outside of the Sydney Water Growth Servicing Plan (see **Appendix E**). An example of the level of information that we require is shown in **Appendix F**, including planning timescales, as well as anticipated ultimate and annual yields. As we understand planning and development timescales are often driven by developer intent or demand, the anticipated data allows us to maintain robust growth intelligence to plan our infrastructure effectively and efficiently.

Quick links

Quick links

[Water servicing coordinators](#)

[Section 73 Compliance Certificates](#)

[Land Development Guide](#)

[Sydney Water Tap In](#)

[Growth Servicing Plan](#)

[Sydney Water Act 1994 Section 78](#)

[Types of development that need a Section 73 Certificate](#)

[Technical guidelines Building over and adjacent to pipe assets](#)



Appendix A

Sydney Water Development Conditions





Appendix A. Sydney Water Development Conditions

This appendix includes development conditions that we require councils to include in their development consent. This applies to all developments regardless of if they have been referred to us for advice as part of the referral guidelines. Where applicable, councils should still include a DA consent condition that requires the proponent to obtain a [Building Plan Approval](#) and a [Section 73 Compliance Certificate](#) from Sydney Water. Without relevant Sydney Water approval, councils may not issue a Complying Development Certificate, Construction Certificate or Subdivision Certificate.

Building Plan Approval

When should council impose a condition of Building Plan Approval?

For any demolition, excavation, construction or modification to existing buildings and structures; and any proposals that change the current form and shape of the ground likely to damage or limit access to our water, wastewater, or stormwater services. This also includes:

- All non-portable swimming pools
- All rainwater tanks over 10,000 litres on non-rural land.

It is recommended that proponents apply for Building Plan Approval early as in some instances a detailed engineering assessment would be required when building over or near critical assets. This can be a lengthy process and may also impact development designs.

Standard wording to be inserted in the development consent

*Prior to the issue of a Construction Certificate/Complying Development Certificate:

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Section 73 Compliance Certificate

When should council impose a condition of S73 Compliance Certificate?

When Consent Authorities approve any of the developments shown in Attachment 1 of *Types of development that need a Section 73 Certificate* (see Appendix B), the following standard wording must be inserted in the development consent as a condition to be met before either an Occupation Certificate is issued or a linen plan of subdivision (Subdivision Certificate) is released.

Standard wording to be inserted in the development consent

Prior to the issue of an Occupation/Subdivision Certificate:

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extension, adjustment or connection to our mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an occupation or subdivision certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Go to the [Sydney Water website](#) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.



Tree planting

When should council apply a condition of planting trees?

When the proposal involves planting trees.

Standard wording to be inserted in the development consent

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage [Wastewater blockages](#). For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).

Other information

Development determined by Land & Environment Court of NSW

Sometimes, development consent is granted by the Land & Environment Court of NSW for development that would require a condition of Building Plan Approval and/or a Section 73 Certificate.

Sydney Water was advised by the Land and Environment Court "that the obligations which arise under the Sydney Water Act 1994 properly fall upon public bodies such as Councils, and.... It is the proper function of those bodies and corporations to present the appropriate evidence to the Court which would ensure that the obligations are fulfilled".

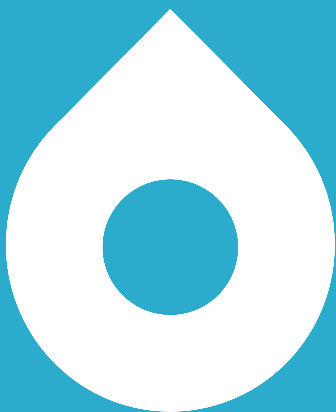
Consent Authorities should also consider Section 6.15 (previous S109J) of the EP & A Act in this situation.

When evidence is being presented, it should include the condition that the developer obtains Building Plan Approval and a Section 73 Compliance Certificate from Sydney Water, where relevant, if the Court subsequently decides to grant consent.

*The issue of the Construction Certificate for a development must **not** be conditional on receiving a copy of our Notice of Requirements. (We **did** ask you to do this before – in December 2003 – however we subsequently withdrew this request in July 2005.)

Appendix B

Types of development that need a Section 73 Certificate



Types of development that need a Section 73 Certificate

Introduction

Section 78 of the *Sydney Water Act* requires consent authorities to notify us if development applications could affect our services. The consent authorities do this by inserting a condition in the development consent that the developer applicant must obtain a Section 73 Compliance Certificate (certificate) from us.

(A claim might be made against a consent authority if they fail to make this notification).

The developer applies to us for that certificate through an authorised water servicing coordinator (WSC). We advise the WSC of any requirements the developer must meet before we'll issue the certificate.

Attachments 1 and 2, over the page, list the developments that do and do not need to be referred.

We generally update the guidelines to consent authorities to help them decide which types of development they should refer. Attachment 3 highlights areas within Sydney Water's area of operations that are not services and so do not need to be referred.

To find out more about these guidelines, call Sydney Water on **13 20 92**.

Building plan approval

Attachments 1 and 2 don't cover the types of development that need our 'building plan approval'. To find out more, visit the Building plan approvals page on our website.



Consent authorities must notify us if development applications could affect our services.

Attachment 1

Types of development to be referred **for a Section 73 Compliance Certificate** (as a condition of development consent) are shown below. Specific **exclusions** for some of these types are shown in Attachment 2:

1. Subdivision by Torrens, Community, Strata and Stratum Title, and subdivision for lease purposes (**includes** Strata Title conversion to Torrens Title, any road closure requiring a Subdivision Certificate and any boundary adjustment).
2. Dual occupancy development (**including** 'granny flat' development that **can't** be approved under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*), whether being subdivided as above or remaining unsubdivided.
3. Medium density (multi-unit) residential development, that is, applications to erect buildings with dual key apartments (please identify in development description).
4. Development in rural or non-urban zoned land or Residential Bushland Conservation or similar zoning (including single residential development).
5. Development where council is considering approving servicing arrangements that could be independent of Sydney Water's water or wastewater (sewer) systems. For example, a development serviced by rainwater tanks as a primary water supply and alternate wastewater treatment systems.
6. Vacant single dwelling development on lots created by subdivision **BEFORE** April 1964. This includes referring development where development consent is required to erect structures only. For example, existing undeveloped lots created before the *Local Government Act*, existing undeveloped lots previously rated with another lot (such as former tennis courts) or demolishing a single dwelling and constructing separate single dwellings on existing multiple lots.
7. This referral is required because some lots in established areas may not have been previously issued with a Compliance Certificate at the subdivision stage and so may not have direct access to water or wastewater (sewer) services.
8. Development on previously publicly-owned land. For example, railway lands or land resulting from road closures.
9. New development of vacant land for industrial, commercial and special use. 'Special use' includes but is not restricted to schools, preschools, religious centres, sporting facilities, community facilities (police, fire, ambulance, SES), community halls, senior citizen centres, youth centres, parks/reserves where water will be used, government and agency depots/substations, hospitals.
10. Industrial, commercial and special use re-development where new building is involved.
11. Industrial, commercial and special use development, where there is a change in use of existing buildings and facilities that may result in increased demand for water and/or the discharge of trade wastewater from the premises. Examples of the types which should be referred are included in tables A & B below.
12. Crown development, Commonwealth and State. (Note: Generally, falls into one of the above categories.)

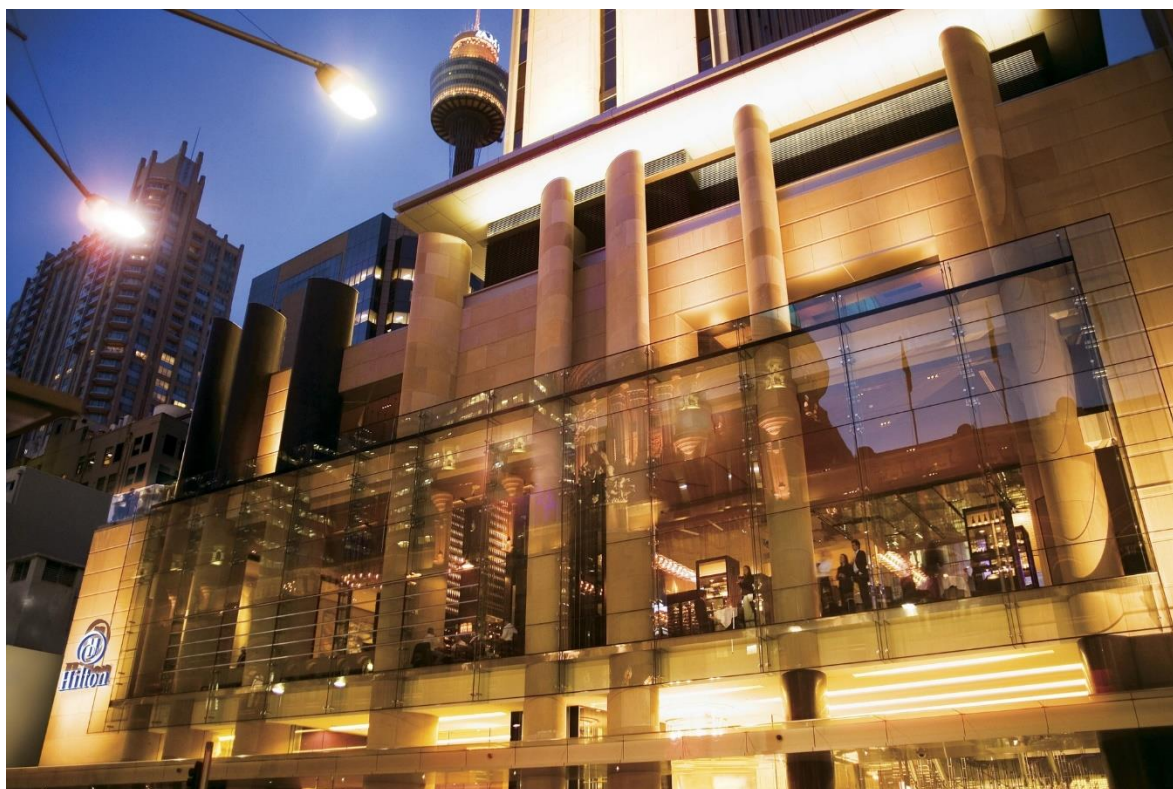
Table A: Industrial

You should refer any development to us that involves any change of use likely to generate trade wastewater, in addition to domestic wastewater (domestic wastewater is wastewater generated by persons for their personal hygiene). These include:

- food, beverage and tobacco manufacturing and wholesaling
- textile and leather manufacturing
- plywood and paper product manufacturing
- printing, published and recorded media
- petroleum and chemical product manufacturing
- ceramic, cement and plaster product manufacturing
- metal product manufacturing
- industrial and transport equipment manufacturing
- motor vehicle retailing.

Table B: Commercial

Butchers	Hospitals	Pizza shops
Bars/ clubs	Hotels	Restaurants
Childcare	Medical centres	Schools
Commercial car washes	Mechanical repairs	Service stations
Commercial laundries	Motels	Take away food shops
Delicatessens	Nursing homes	Veterinary surgeons
Dry cleaners	Photographic processing	



Hotels are among the business developments you should refer to Sydney Water.

Attachment 2

Development types **not** to be referred for a **Section 73 Compliance Certificate**:

1. Strata subdivision plan for a building approved by an earlier development approval, that is, strata title of an existing block of units where building was completed either:
 - 1.1 **before** April 1964 (**except** if the consent authority considers a compliance certificate is required under the *Strata Schemes (Freehold Development) Act 1973*)
 - 1.2 **after** April 1964 and covered by a Compliance Certificate issued on construction.
2. Development approvals (**except** for dual occupancy development that must be referred).
3. Consolidation of existing lots of land not involving subdivision of the existing lots.
4. Vacant single dwelling development on lots created by subdivision **after** April 1964 (that is, generally, where an earlier Sydney Water Compliance Certificate has been issued).
5. A new single residential dwelling replacing an existing dwelling.
6. Alterations, additions to an existing residential dwelling.
7. 'Secondary dwelling' development approved under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and *Wollondilly LEP 2011*. (The Department of Planning & Infrastructure also refer to this development as 'granny flats').
8. Carports on residential lots.
9. Non-habitable garages, sheds or outbuildings.
10. Swimming pools.
11. Development in areas identified as being beyond Sydney Water's service limits but within its area of operations - see Table C on the following page for a list of these areas. Exceptions are:
 - large-scale development where the developer has advised the consent authority that they may seek Sydney Water servicing
 - if the consent authority requires consultation with Sydney Water
 - if the consent authority considers a Compliance Certificate is required under the *Strata Schemes (Freehold Development) Act 1973*.

Attachment 3: Suburbs within our area of operations but beyond water and wastewater service limits

The Hills

Berowra Waters
Cattai
Forest Glen
Leets Vale
Lower Portland
Maroota
Sackville North
South Maroota
Wiseman's Ferry

Blue Mountains

Bell
Berambing
Hartley Vale
Megalong
Megalong Valley
Mt Irvine
Mt Wilson
Mt York
the Jungle
Tomah South

Campbelltown

Wedderburn

Hawkesbury

Berambing
Bilpin
Blaxlands Ridge
Bowen Mountain
Bucketty
Cattai
Central / Higher Macdonald
Colo also Colo Heights /
Central
Colo / Upper Colo
Comleroy
Cumberland Reach
East Kurrajong
Ebenezer
Fernances
Gronos Point

Hawkesbury (cont)

Grose Wold / Grose Vale
Kurrajong Heights
Kurrajong Hills
Leets Vale
Lower / Upper Macdonald
Lower Portland
Maraylya
Mogo Creek
Moran's Rock
Mountain Lagoon
Perrys Crossing
Sackville
Sackville North
St Albans
South Maroota
Ten Mile Hollow
Tennyson
The Devils Wilderness
The Slopes
Webbs Creek
Wrights Creek
Yarramundi
Cottage Point

Hornsby

Berrilee
Fiddletown
Fishermans Point
Forest Glem
Laughtonedale
Milson Island
Singletons Mill
Wisemans Ferry

Kiama

Barren Grounds
Broughton
Budderoo
Curramore
Foxground
Knights Hill

Kiama (cont)

Rose Valley
Saddleback Mountain
Toolijooa
Willow Vale

Liverpool

Greendale

Pittwater

Coasters Retreat
Currawong Beach
Elvina Bay
Great Mackerel Beach
Lovett Bay
Morning Bay
Scotland Island
The Basin
Towlers Bay
West Head

Shellharbour

Calderwood
Macquarie Pass
Tongarra

Warringah

Akuna Bay
Cottage Point

Wingecaribee

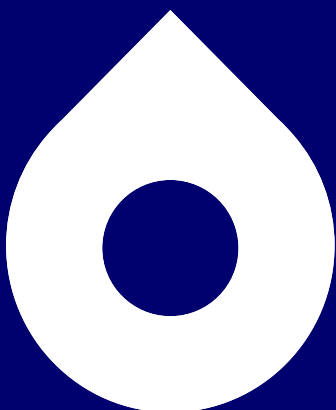
All except Balmoral &
Wattle Ridge

Wollondilly

Darkes Forest
Glenmore
Mt Hunter
Orangeville
Razorback
Wedderburn
Werombi

Appendix C

Our Section 73 requirements for secondary dwellings



Our Section 73 requirements for secondary homes

What is a secondary home or granny flat?

According to the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (AHSEPP), a secondary home is a self-contained home that is:

- established in conjunction with another home (the main house)
- on the same lot of land as the main home (and not an individual lot in a strata plan or community title scheme)
- within, attached to, or separate from the main house.

When do customers need a S73 certificate?

If the secondary home or granny flat is in an area with a Priority Sewerage or Pressure Sewer Scheme, then you'll need a Section 73 certificate.

When don't customers need a certificate?

Customers don't require a Section 73 Compliance Certificate for a secondary home or granny flat:

- with a maximum floor area up to and including 60 m²
- that's been combined with minor alterations or additions to the existing house
- that's been combined with a 'knock-down rebuild' of an existing home.

If the secondary home or granny flat has been approved under the complying development provisions in AHSEPP, or if council has approved the secondary home or granny flat, you won't need a Section 73 certificate.

Applying for a Section 73 certificate when you don't need one wastes your time and money.

What types of approvals do you need from Sydney Water?

We must still assess building plans for any building or excavation work, and any new connections to our systems. You can apply online for these at sydneywater.com.au/tapin.

Where can you get more information?

Call us on **1300 082 746** or visit sydneywater.com.au/section73.

Appendix D

Sydney Water DA Referral Information Sheet (for developers info only)





Sydney Water DA Referral Information Sheet

Sydney Water has provided advice to Council on your development application. Further steps are required before Sydney Water connections and final approvals can be issued. Without relevant Sydney Water approval, your Construction Certificate may not be issued. Please read the information below to assist with your development. Further information can also be found on our website: sydneywater.com.au

Building Plan Approval

Why have I been advised a Building Plan Approval?

Building, excavation, and landscaping projects all have the potential to damage or limit access to our water, wastewater or stormwater services. That's why we need to assess and approve your building plans before you start any work.

How do I apply for a Building Plan Approval?

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's [Tap in™](#) online service is available at: [Sydney Water Tap in](#)

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required. This will result in Sydney Water undertaking a detailed review of your building plans.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Section 73

Why have I been advised a Section 73 application?

If you are developing or subdividing land, you may need to apply for a Section 73 Compliance Certificate.

If we have noted a requirement for a Section 73 Compliance Certificate in our advice to Council, one must be obtained from Sydney Water under the Sydney Water Act 1994. These include secondary dwellings with a GFA greater than 60m².

For further information on Section 73 requirements for secondary dwellings, refer to the Quick Links at the end of this fact sheet.

How do I apply for a Section 73 Compliance Certificate?

You can choose to use a water servicing coordinator for works of any size. If you only have minor works, you can apply directly through Sydney Water Developer Direct.

We suggest you lodge an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services, buildings, driveways, or landscape designs.

Feasibility

Why have I been advised to carry out a Feasibility enquiry?

If the development presents potentially large water servicing demands or impacts are anticipated, further investigation may be required to determine the servicing requirements for the site. It is recommended that a Water Servicing Coordinator is engaged, and a Feasibility application is lodged with Sydney Water prior to a Section 73 application being made. We advise you do this as soon as possible to prevent potential delays to your development approvals or servicing.

How do I apply for a Feasibility?

To apply for a Feasibility, you will need to contact a Water Servicing Coordinator. Tell them you have been advised to lodge a Feasibility as part of your DA application.

Quick Links

Quick Links

[Building plan approvals](#)

[Section 73 Compliance Certificates](#)

[Water servicing coordinators](#)

[Steps for first time developers](#)

[Section 73 requirements for secondary dwellings](#)

Trade Waste

My development will generate trade waste. What do I do?

If your development is going to generate trade wastewater, the property owner must request permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

Contact

businesscustomers@sydneywater.com.au for further information.

Water Servicing Coordinator

What is a Water Servicing Coordinator?

Water Servicing Coordinators are accredited providers who can manage your Sydney Water applications for you.

They can design new pipes, manage applications for Section 73 Compliance Certificates and Feasibilities, applications for approval to move or extend our pipes, design and construction of new pipes, and applications for approval to build over or next to assets.

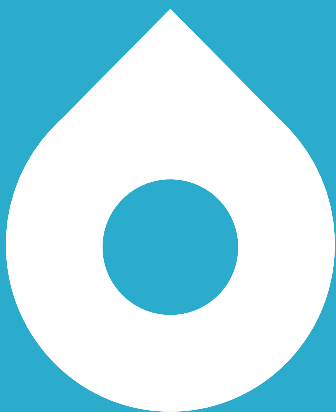
All Water Servicing Coordinators have designer accreditation and can provide design services.

How do I find a Water Servicing Coordinator?

Please follow this link to find a list of Water Servicing Coordinators: [Water servicing coordinators \(sydneywater.com.au\)](https://www.sydneywater.com.au/water-servicing-coordinators)

Appendix E

Sydney Water Growth Servicing Plan





Appendix E. Sydney Water Growth Servicing Plan

The Sydney Water Growth Servicing Plan shows the expected availability of trunk water-related infrastructure over the next 5 years across major infill and greenfield areas (where applicable, the GSP can show timelines beyond 5 years). It includes:

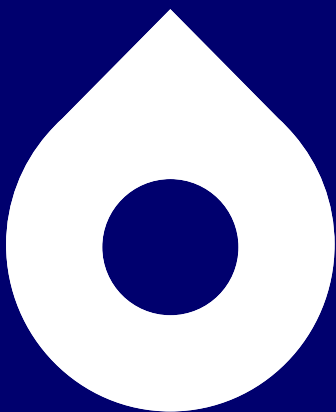
- Longer term planning outlook for water and wastewater infrastructure
- Ongoing commitment to working with developers on 'out of sequence' developments
- More visibility on planning processes, programs & funding requirements

The Growth Servicing Plan is updated annually and is only accurate at the date of issue.

The full and latest GSP document can be accessed via [Growth Servicing Plan](#).

Appendix F

**Example of growth information
required by Sydney Water**



Appendix F. Example of growth information required by Sydney Water

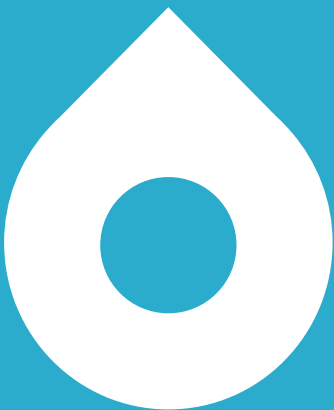
The following is an example of the level of intel that we require to assess the potential staging and phasing of asset upgrades. We acknowledge that this information is an indication only and is provided as a guide to assist SW to provide more nuanced feasibility or servicing advice. We note that timescales are often subject to developer intent/demand and approval timescales. Sydney Water uses the information at its own risk.

Anticipated planning timescales to be completed by the consent authority										
Reference number	Project name	Date last updated	Pre-lodgement	Council consideration	submit to Gateway	Exhibition	Finalisation	Anticipated Growth starts	Status/Comments	Estimated growth numbers (or range) dwellings/jobs
<i>Example: PP-2023-xxxx</i>	<i>Brooks Point Road Appin</i>	<i>29/05/2023</i>	<i>Jul-22</i>	<i>Sep 2023 Support</i>	<i>Dec-23</i>	<i>Jun-24</i>	<i>Dec-24</i>	<i>2025</i>	<i>Completed preliminary planning assessment and to be lodge to the LPP in Jun 2023</i>	<i>250 dwellings</i>

Anticipated growth intel to be completed by the proponent/consent authority																		
Project name	Address+ Reference number																	
Development Type	Ultimate proposed new growth	Total # stages	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	continue as required	
<i>Example (dwelling multi)</i>	<i>3350</i>						<i>350</i>	<i>350</i>	<i>500</i>	<i>500</i>	<i>350</i>	<i>350</i>	<i>350</i>	<i>200</i>	<i>200</i>	<i>200</i>		
<i>Example (job number)</i>	<i>1900</i>					<i>200</i>	<i>200</i>	<i>300</i>	<i>300</i>	<i>300</i>	<i>300</i>	<i>300</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>		
Dwellings (single)																		
Dwellings (multi)																		
Jobs (number)																		
Jobs (GFA)																		

Appendix G

Sydney Water Act 1994 S78





Appendix G. Sydney Water Act 1994 Section 78

Section 78

78 Consent authority to notify Corporation of development and building applications

(1) If a consent authority within the area of operations receives a development application or building application in relation to any matter that would—

- (a) increase the demand for water supplied by the Corporation, or
- (b) increase the amount of wastewater that is to be removed by the Corporation, or
- (c) damage or interfere with the Corporation's works, or
- (d) adversely affect the Corporation's operations, or
- (e) (Repealed)

the consent authority must give the Corporation notice of the application unless it is relieved from doing so under subsection (2).

(2) The consent authority is not required to give notice of the application if it decides—

- (a) not to approve the application, or
- (b) to approve the application with a condition that the developer must obtain a compliance certificate from the Corporation.

(3) The Corporation must issue guidelines from time to time to assist consent authorities to determine which matters should be the subject of notice under subsection (1).

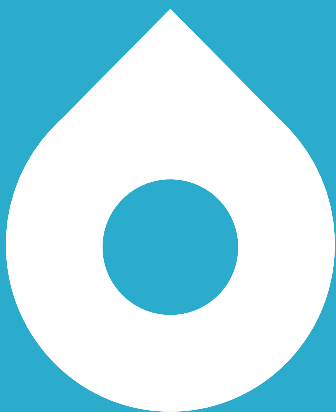
(4) The consent authority must take into account any submissions made by the Corporation in relation to a development application or building application that is the subject of a notice under subsection (1), in determining whether to approve the development application or building application or to attach conditions to it. The consent authority may, however, approve the application at any time if it imposes a condition that the developer must obtain a compliance certificate from the Corporation.

(5) The consent authority may assume that the Corporation has no submissions to make in relation to a development application or building application of which notice has been given under this section if no such submissions are received by the consent authority within 21 days after the notice was given to the Corporation.

(6) If a consent authority has complied with this section in relation to a development application, the consent authority is not required to comply with this section in relation to a building application that deals with the same subject matter as the development application.

Appendix H

PSP scheme area in your LGA



Appendix H. PSP scheme area in your LGA

About Priority Sewerage Program (PSP)

Sydney Water has provided improved wastewater services to nearly 11,000 properties in 33 urban villages as part of the NSW Government's Priority Sewerage Program. These villages are serviced with pressure sewer and/or gravity wastewater systems. A map showing village locations is presented in *Figure 1*.

Pressure sewerage systems have a limited number of connections due to the system's capacity design. They have special infrastructure that needs to be protected. This includes:

- small diameter pressure reticulation pipes, usually located in the street
- a sewer lateral pipe and boundary assembly kit (wastewater connection point)
- on-property equipment including a collection tank, pump and alarm control panel.

Pressure sewerage system on-property equipment may be owned and maintained by Sydney Water or the property owner – this depends on the type of property and who installed the equipment.

Referral requirements for PSP Area

In accordance with the *Sydney Water Act 1994* Section 78, developments that meet the referral criteria as specified in the Sydney Water referral guidelines need to be referred to Sydney Water. PSP scheme areas are identified as “areas that require additional review” in the guide, therefore the Area Specific Trigger will apply. In line with the Area Specific Trigger, all development uplifts including secondary dwellings within the PSP areas must be referred to us for approval.

Please also note that the existing wastewater system in the PSP areas will not be expanded unless a precinct-wide planning approach is in place. Given the constrained nature of the scheme, it is imperative that we check there is available capacity within the wastewater system for new development connections.

A list of priority sewerage programs and current statuses of wastewater servicing capacity in your local government area are provided in *Table 1* overleaf.

Table 1. PSP Scheme Areas in Hills / Hornsby LGA

PSP Scheme Area	System type	Status of capacity (as of date of issue)
Glenorie (part)	Pressure	No capacity

*As mentioned above, please refer all development uplifts (1 or more dwellings) within the PSP areas to Sydney Water for review.

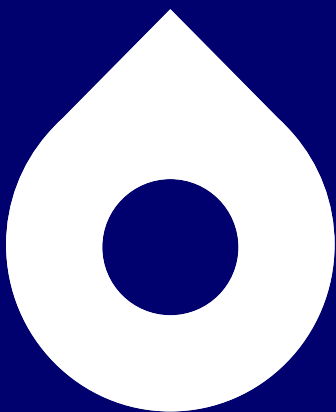
*Developments located within the PSP area with no wastewater capacity as identified above are still required to be referred to Sydney Water for water servicing reviews and should consider potential onsite wastewater arrangements.



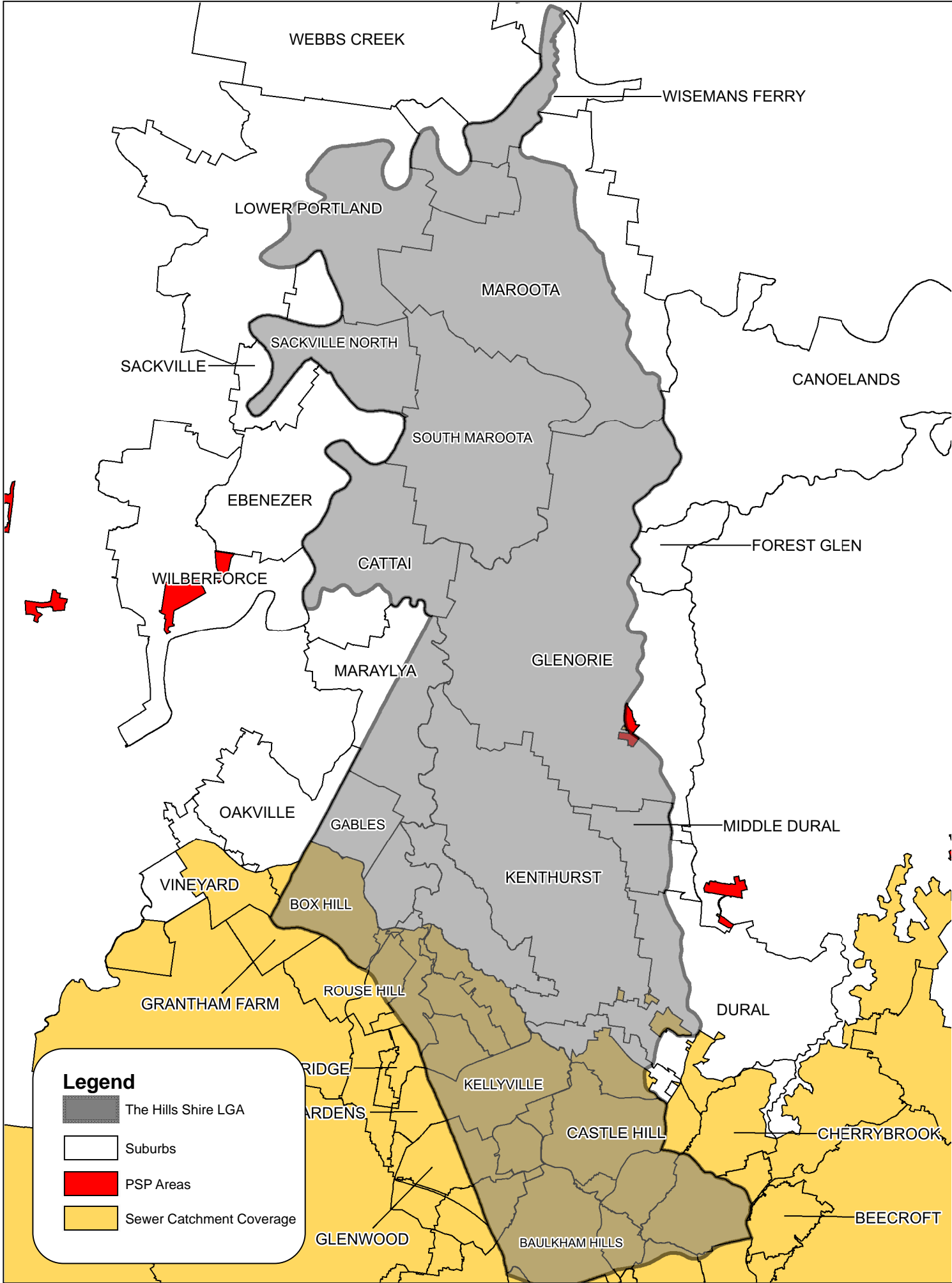
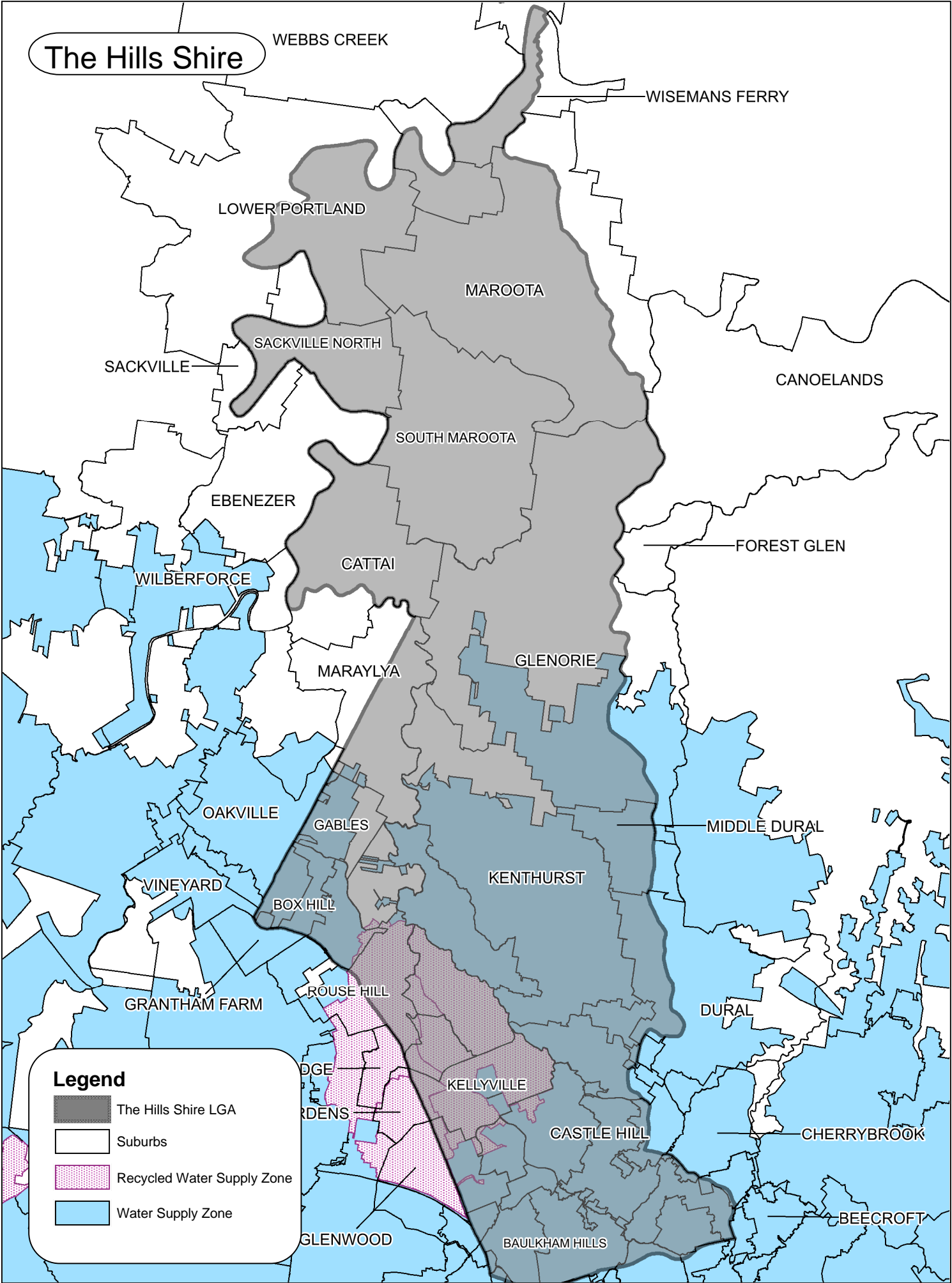
Figure 1. Sydney Water Priority Sewerage Program Map

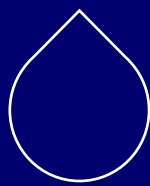
Appendix I

Sydney Water servicing areas in your LGA



Appendix I - Sydney Water Servicing Areas in your LGA





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