



Regional Stormwater Planning Approvals

Planning approval pathways for regional stormwater infrastructure in the Aerotropolis and Mamre Road Precincts

Purpose of this fact sheet

This fact sheet provides guidance on planning approval pathways for the delivery of regional stormwater infrastructure (RSI) on behalf of Sydney Water. RSI includes Sydney Water basins, wetlands and storage ponds, as well as trunk drainage channels as mapped in relevant Stormwater Scheme Plans.

This fact sheet applies to land within the declared stormwater catchments of the Aerotropolis and Mamre Road Precincts.

Context

Sydney Water is the Regional Stormwater Authority in the Aerotropolis initial precincts and the Mamre Road Precinct. This means that Sydney Water is responsible for delivering, operating and maintaining the integrated regional stormwater network in these areas, along with drinking water and wastewater.

Sydney Water recognises that developers are often best placed to deliver this RSI on our behalf and that significant efficiencies can be gained through combining RSI with other development.

The aim is to allow for developer delivered regional stormwater infrastructure to be assessed and approved in the most efficient way.

Planning Pathways

There are two possible pathways for RSI to be assessed and approved in the Aerotropolis and Mamre Road Precincts.

Part 4 of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act)

RSI can be assessed as development with consent under Part 4 of the EP&A Act 1979 either through a local development application to the relevant Council, or as part of a state significant development application (SSDA) to the NSW Department of Planning, Housing and Infrastructure (DPHI).

Part 5 of the NSW Environmental Planning and Assessment Act 1979

RSI can also be assessed as an 'activity' under Part 5 of the EP&A Act. State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP) allows for RSI to be delivered as 'development without consent' in some circumstances. This requires the infrastructure to meet the definition of a 'stormwater management system' under the TI SEPP and for the infrastructure to be delivered by or on behalf of Sydney Water. This pathway requires the preparation of a Review of Environmental Factors (REF) which is assessed and determined by Sydney Water. The REF may be prepared by Sydney Water or by the developer, on behalf of Sydney Water.

Which pathway is appropriate?

Consistent with Sydney Water's existing approach to water and wastewater infrastructure, in many cases the most efficient planning approval pathway is through the integration of RSI into a development application or SSDA (Part 4 of the EP&A Act). This is because combining it with a development allows opportunities to balance earthworks (cut and fill) across a site, avoids duplication of specialist studies, licences and permits and allows contractors to work under a single Construction Environmental Management Plan (CEMP). It also allows for the RSI to be approved and commenced at the same time as the development, avoiding potential delays to construction timeframes. This is important as in many cases, RSI will need to be in place before development of the site can commence to ensure compliance with relevant environmental stormwater targets.

However, there are some circumstances where assessment under Part 5 of the EP&A Act is appropriate and necessary to facilitate the efficient delivery of infrastructure.

If the proposed RSI cannot feasibly be assessed and approved under Part 4 of the EP&A Act, the developer must submit a written request through their Water Servicing Coordinator (WSC) asking for the infrastructure to be assessed under Division 5.1 of the EP&A Act and addressing the following key criteria in relation to the proposal (Note: the project does not have to meet every one of the criteria for it to proceed through a Part 5 process):

- The proposed RSI is isolated/distant from the development site.
- The proposed RSI is on land which is not owned by the developer and landowner's consent is not readily obtainable.
- The Minister for Planning (via DPPI) has determined that the proposed RSI cannot proceed as part of an SSDA.
- The proposed RSI would have potential impacts on Cumberland Plain Conservation Plan (CPCP) avoided land (including potential for construction impacts) and a local development application is not a viable planning pathway.
- The proposed RSI would require modification to two or more existing development consents and/or require consent from more than one consent authority.
- The proposed RSI comprises a strategic network/ cluster of basins which is required to facilitate timely development.

- In some cases, where an Aerotropolis Master Plan has been approved and development is proceeding through a complying development pathway.

In addition to addressing the above criteria the letter must demonstrate that:

- The proposed RSI fits the definition of a 'stormwater management system' under the TI SEPP and is deemed to be permissible without consent.
- Consultation has taken place with Sydney Water's regional stormwater team in relation to the proposed RSI and it has been agreed that the proposed RSI will be delivered by the developer on behalf of Sydney Water.

Once Sydney Water has reviewed the written request, confirmation will be provided in writing on the agreed planning pathway. In making the decision, Sydney Water will consider a combination of the above criteria, noting that a single criteria alone may not mean that a Part 5 approval pathway is the most appropriate.

It should be noted that any RSI proceeding through a Part 5 pathway would require rigorous environmental assessment in accordance with Sydney Water standards and specifications. Developers would be required to engage a suitably qualified consultant to prepare all documentation, using Sydney Water templates and guidelines.

In all cases it is recommended that developers seek independent statutory planning advice to guide the approach to their planning approvals.

What is the process with Sydney Water?

The flow charts provided on pages 3-5 are a summary of the engagement and assessment process with Sydney Water when seeking to deliver RSI. The flow charts show the alignment with external planning processes where these apply.

Further questions?

Further questions should be directed to aerostormwater@sydneywater.com.au or your Sydney Water Account Manager.

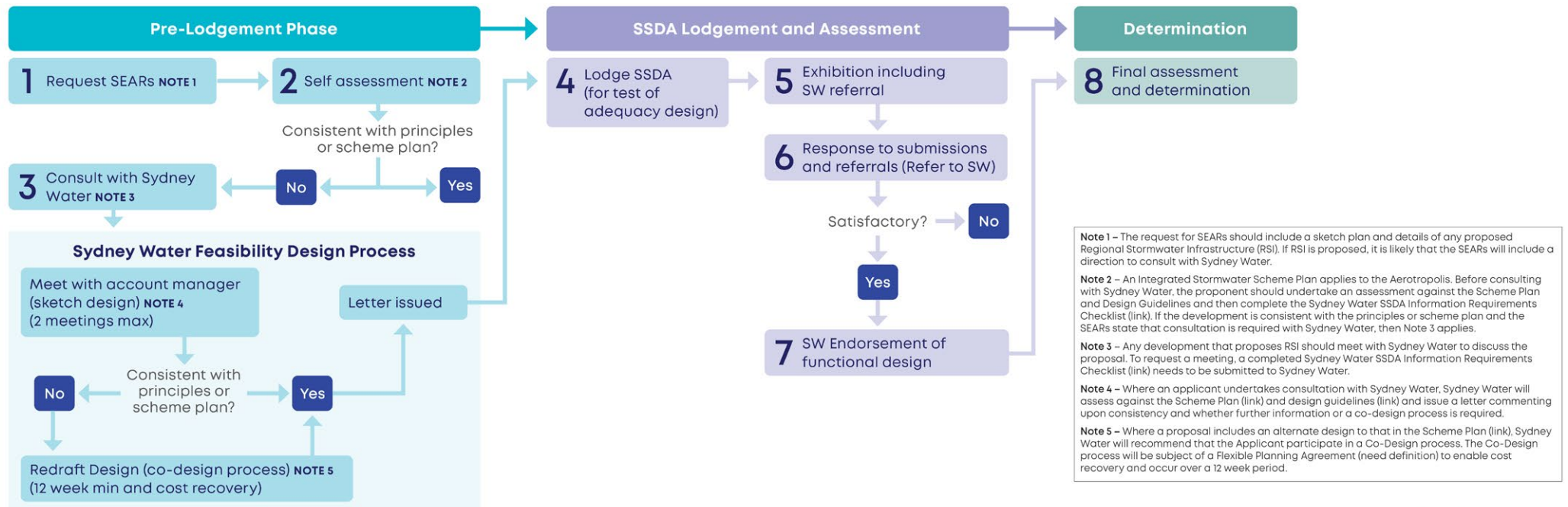
Additional information on the integrated regional stormwater network, including Sydney Water's Developer Works Policy which documents the reimbursement process for regional stormwater infrastructure, can be found at:

<https://www.sydneywater.com.au/content/dam/sydneywater/documents/stormwater-developer-works-funding-policy.pdf>



Part 4 Sydney Water Regional Stormwater Infrastructure Approvals Referral Process – State Significant Development Applications

SSDA	Request DGRs/SEARs	Lodge SSDA	Exhibit	Determination
Sketch (5%)	Strategic Design (10%)	Functional Design (50-75%)		Detailed Design (90%)
Pre-feasibility Pre-Feasibility <ul style="list-style-type: none"> High level of awareness of proposal Sketch plan provided to Sydney Water 12D and GIS models of scheme assets available on web 	Feasibility <ul style="list-style-type: none"> WSC engaged Strategic Plan/Design Possible rejection or flexible planning agreement if not consistent with Stormwater Scheme 	SSDA Process <ul style="list-style-type: none"> Advice Letter to Consent Authority Review processes commence Survey and investigations Functional Design 		Section 73 Certificate S73 Application lodged Functional Design Complete
				Procurement Package Design Package <ul style="list-style-type: none"> Detailed Design Design Checklist Design Certificate Procurement Package detailed <ul style="list-style-type: none"> Cost estimate from Quantity Surveyor Job spec letter Inspection and Test plan



Note 1 – The request for SEARs should include a sketch plan and details of any proposed Regional Stormwater Infrastructure (RSI). If RSI is proposed, it is likely that the SEARs will include a direction to consult with Sydney Water.

Note 2 – An Integrated Stormwater Scheme Plan applies to the Aerotropolis. Before consulting with Sydney Water, the proponent should undertake an assessment against the Scheme Plan and Design Guidelines and then complete the Sydney Water SSDA Information Requirements Checklist (link). If the development is consistent with the principles or scheme plan and the SEARs state that consultation is required with Sydney Water, then Note 3 applies.

Note 3 – Any development that proposes RSI should meet with Sydney Water to discuss the proposal. To request a meeting, a completed Sydney Water SSDA Information Requirements Checklist (link) needs to be submitted to Sydney Water.

Note 4 – Where an applicant undertakes consultation with Sydney Water, Sydney Water will assess against the Scheme Plan (link) and design guidelines (link) and issue a letter commenting upon consistency and whether further information or a co-design process is required.

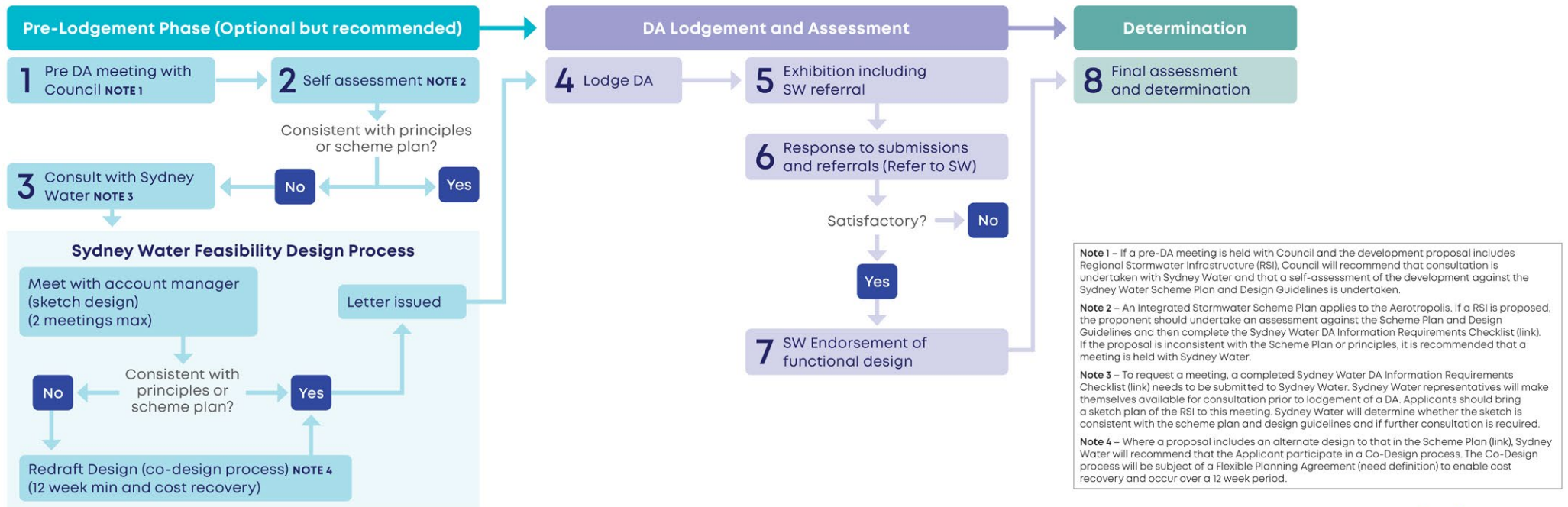
Note 5 – Where a proposal includes an alternate design to that in the Scheme Plan (link), Sydney Water will recommend that the Applicant participate in a Co-Design process. The Co-Design process will be subject of a Flexible Planning Agreement (need definition) to enable cost recovery and occur over a 12 week period.

This flow chart is available as an accessible text document from this link.



Part 4 Sydney Water Regional Stormwater Infrastructure Approvals Referral Process – Development Applications

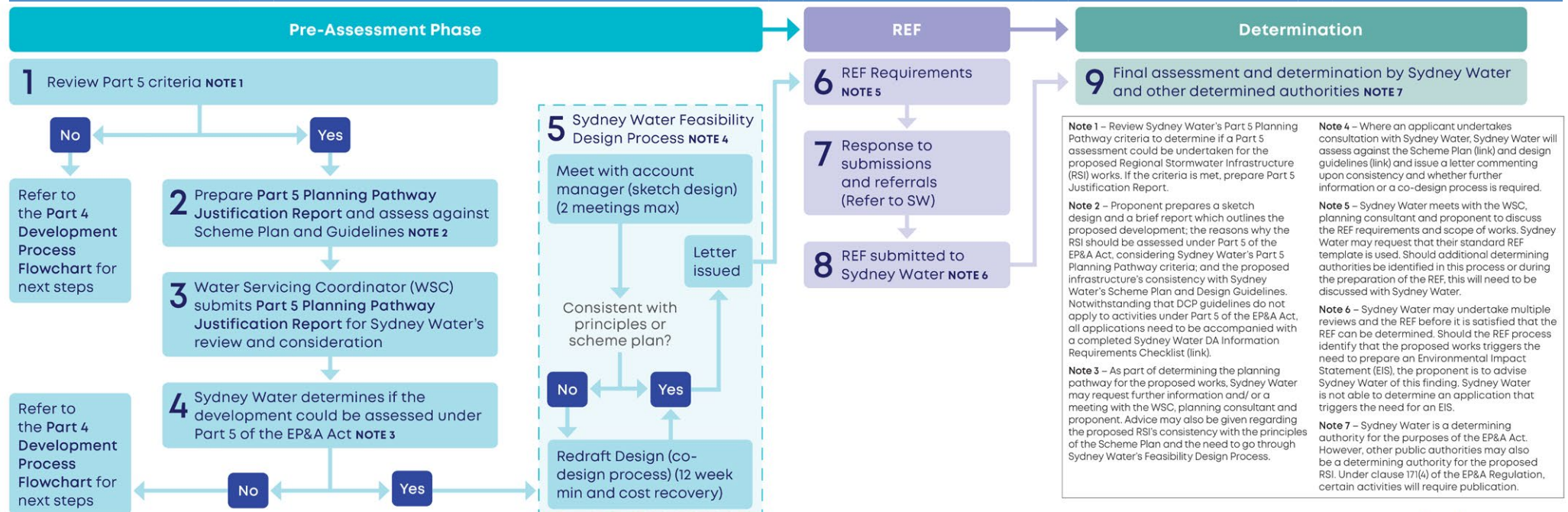
Local DA	Pre-lodged meeting	Lodge DA	Exhibit	Determination
Sketch (5%)	Strategic Design (10%)	Functional Design (50-75%)		Detailed Design (90%)
Pre-feasibility Pre-Feasibility <ul style="list-style-type: none"> High level of awareness of proposal Sketch plan provided to Sydney Water 12D and GIS models of scheme assets available on web 	Feasibility Feasibility <ul style="list-style-type: none"> WSC engaged Strategic Plan/Design Possible rejection or flexible planning agreement if not consistent with Stormwater Scheme 	DA Process DA Process <ul style="list-style-type: none"> Advice Letter to Consent Authority Review processes commence Survey and investigations Functional Design 		Section 73 Certificate S73 Application lodged <ul style="list-style-type: none"> Functional Design Complete
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Part 5 Sydney Water Regional Stormwater Infrastructure Approvals Planning Pathway Process

Planning Pathway Review	Pre-lodged meeting	Assessment	Determination
Sketch (5%) Pre-feasibility Pre-Feasibility <ul style="list-style-type: none"> High level of awareness of proposal Sketch plan provided to Sydney Water 12D and GIS models of scheme assets available on web 	Strategic Design (10%) Feasibility <ul style="list-style-type: none"> WSC engaged Strategic Plan/Design Possible rejection or flexible planning agreement if not consistent with Stormwater Scheme 	Functional Design (50-75%) REF Process <ul style="list-style-type: none"> Survey and investigations Functional Design 	Detailed Design (90%) Procurement Package <ul style="list-style-type: none"> Design Package <ul style="list-style-type: none"> Detailed Design Design Checklist Design Certificate Procurement Package detailed <ul style="list-style-type: none"> Cost estimate from Quantity Surveyor Job spec letter Inspection and Test plan



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