



11e Drinking water catchments

Explanatory outline

Section 11e outlines assessment criteria relating to the protection of drinking water catchments which require the development to have a neutral or beneficial effect on water quality.

This section should be read in conjunction with *Upper Hunter LEP 2013* clause 6.5 Drinking Water Catchments and accompanying Drinking Water Catchment Map

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11e.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

Column 1:	Type of development	Column 2:	Applicable land
	Any development that requires development consent.		Land in the vicinity of Lake Glenbawn, as shown on the <i>Upper Hunter LEP 2013 Drinking Water Catchment Map</i> .

11e.2 Relevant planning instruments & legislation

The following environmental planning instruments, NSW legislation, policies and plans are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013* (clause 6.5 *Drinking Water Catchments* requires consideration of impacts from a development on a drinking water storage, and consent must not be granted except where adverse impacts are avoided, minimised or mitigated)
- *Water Management Act 2000* (Regulates water planning and licensing)
- *Protection of the Environment Operations Act 1997* (Provides a framework for regulating water pollution)

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

11e.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including:

- Drinking Water Catchment Map



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11e.4 Objectives

The objective for drinking water catchments is to ensure development shall have a neutral or beneficial effect on water quality by applying the following principles:

1. Assessment for a neutral or beneficial effect on water quality is required.
2. It is the development proponent's responsibility to demonstrate that a development will have a neutral or beneficial effect on water quality.
3. The level of assessment required matches the level of risk of the development - developments with a greater potential risk to water quality will require more thorough assessment.
4. Good project design leading to source management and control, and retaining natural features of waterways, is better than structural and 'end of pipe' solutions. All measures must be taken to contain on-site any potential impacts resulting from a proposed development.

11e.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Neutral or beneficial effect on water quality	All applications	Supplementary information demonstrating that the development will have a neutral or beneficial effect on water quality. The following document will provide guidance on the information required: WaterNSW (2022) Neutral or Beneficial Effect on Water Quality Assessment Guideline .

11e.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

Outcomes to be achieved

Design guidelines

A. Neutral or beneficial effect

- The development has a neutral or beneficial effect on water quality. This can be satisfied if the development meets any of the following:
 - The level of risk to water quality is to be identified, and the assessment should take this into account.
 - The determination of a neutral or beneficial effect may take into account relevant guidelines for other catchments, such as those for Sydney Catchment



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Outcomes to be achieved

- has no identifiable potential impact on water quality
- will contain any water quality impact on the development site and prevent it from reaching any watercourse, waterbody or drainage depression on the site
- will transfer any water quality impact outside the site where it is treated and disposed of to standards approved by the consent authority.

Design guidelines

Authority: [WaterNSW \(2022\) Neutral or Beneficial Effect on Water Quality Assessment Guideline](#).

Note: this document was originally prepared by the previous Sydney Catchment Authority for the purposes of assessing development applications considered under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

11e.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- [WaterNSW \(2022\): Neutral or Beneficial Effect on Water Quality Assessment Guideline](#). (Note: this document was originally prepared for the purposes of assessing development applications considered under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*).