



# FAQ - Complying Development



## What is the T&ISEPP?

T&ISEPP is the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The policy sets out the rules and controls for infrastructure in NSW, including provisions for connections to Hunter Water's water and sewage reticulation systems as complying development.

## What is Complying Development?

The *Environmental Planning and Assessment Act 1979* defines complying development as being development that meets specified development standards. Complying development is provided for in environmental planning instruments such as the T&ISEPP.

## What are the General Requirements for Complying Development?

General requirements for complying development can be found in Section 2.22 of the T&ISEPP. The T&ISEPP can be viewed on the NSW Legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

The general requirements for complying development require that the development must:

- Not be exempt development.
- Be permissible with consent under an environmental planning instrument that applies to the land where the development is being carried out. In most cases the relevant environmental planning instrument will be the Local Environmental Plan.
- Meet the relevant provisions of the Building Code of Australia.
- Be carried out in accordance with the relevant provisions of the Blue Book.
- Have written consent from the relevant roads authority if required by the *Roads Act 1993* to:
  - open a public road as part of the development, and
  - operate or store machinery, materials or waste related to the development on a road or footpath reserve.
- If within a mine subsidence district, have the approval of the Mine Subsidence Board.
- Not involve the removal or pruning of a tree or other vegetation, unless the removal or pruning is done in accordance with a permit or development consent.
- Not be carried out within 1m of any public sewer, if the development involves erection of a building, except with the written approval of the authority that has control of that sewer.
- Not involve the removal of asbestos, unless that removal is undertaken in accordance with *Working with Asbestos: Guide 2008*.

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## What are Hunter Water's requirements for Complying Development?

Hunter Water has adopted the provisions of Section 2.168 of the T&ISEPP for complying development that involves connection to its water supply and sewage systems. Additional requirements of Hunter Water for complying development have also been included, in accordance with Section 2.169 of the T&ISEPP.

Development is complying development if it involves installing a pipeline that:

- Connects to Hunter Water's water or sewage reticulation systems.
- Complies with the general requirements for complying development (see above).
- Is not constructed by or on behalf of Hunter Water. Complying development undertaken by a developer fulfils this requirement.
- Has a pipe diameter of less than 300mm.
- Has length of less than 1000 metres
- Is installed at a depth of less than 6m below finished ground level.
- Will not be carried out on land that is an environmentally sensitive area within the meaning of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## What is an Environmentally Sensitive Area?

Section 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* defines an environmentally sensitive area as:

- Coastal waters.
- A coastal lake.
- Coastal wetlands or littoral rainforest.
- An aquatic reserve or marine park.
- A Ramsar wetland or wetland within a World Heritage area.
- Land within 100m of a coastal wetland, littoral rainforest, aquatic reserve, marine park, Ramsar wetland or wetland within a World Heritage area.
- Land of high Aboriginal cultural significance or high biodiversity significance.
- Land reserved under the National Parks and Wildlife Act 1974 or land to which Part 11 of that Act applies.
- Land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes.
- Land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

## What is not Complying Development?

For development connecting to Hunter Water's water and sewage reticulation systems, the following are not complying development:

- Water pump stations.
- Wastewater pump stations.
- Emergency relief structures.
- Sewer rising mains.

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- Low pressure sewerage systems.
- Common effluent pumping systems.
- Vents.
- Barometric loops.
- Water reservoirs.
- Chemical dosing units.
- Pressure reducing valves.
- Trade waste.
- Telemetry/SCADA.
- Power kiosks/switchboards.
- Stormwater assets.



### **What Conditions need to be included in a Complying Development Certificate?**

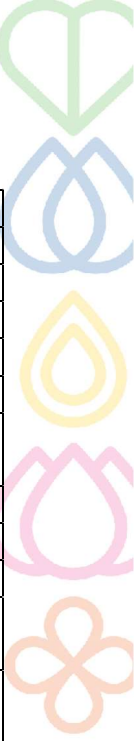
Section 2.169 of the T&ISEPP includes additional conditions that must be included in complying development certificates for connections to Hunter Water’s water and sewage reticulation systems:

- Any relevant requirements of Hunter Water in relation to the development must be complied with.
- The developer must provide the owner or occupier of any dwelling within 20m of the lot on which the works will be undertaken at least 7 days’ notice in writing of the work commencing.
- Earthworks must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.
- Earthworks must not cause a danger to life or property or damage to any building or structure.
- Excavation must be conducted in accordance with Excavation Work, Code of Practice (Safe Work Australia, 2015).
- Any fill brought to the site must contain only virgin excavated natural material.
- Any demolition work must be carried out in accordance with Australian Standard AS2601-2001 – The demolition of structures.

### **Where can I find information to determine whether a Development is Complying Development?**

Most information required will be contained within a S10.7 planning certificate for the land proposed to be developed. Additional information can also be found on the NSW Planning portal and spatial viewer.

Relevant information can also be sourced at the links in the following table.



<b>Aspect</b>	<b>Data Source</b>
Coastal wetlands	<a href="#">ePlanning Spatial Viewer (nsw.gov.au)</a>
Littoral rainforest	<a href="#">ePlanning Spatial Viewer (nsw.gov.au)</a>
Aquatic reserve	<a href="#">Geocortex Viewer for HTML5 (nsw.gov.au)</a>
Marine park	<a href="#">Port Stephens - Great Lakes Marine Park Zoning Map (nsw.gov.au)</a>
Ramsar wetland	<a href="#">Geocortex Viewer for HTML5 (nsw.gov.au)</a>
Land of high Aboriginal cultural significance	<a href="#">ePlanning Spatial Viewer (nsw.gov.au)</a>
Land of high biodiversity significance	<a href="#">Biodiversity Values Map and Threshold tool (nsw.gov.au)</a>
National park	<a href="#">ePlanning Spatial Viewer (nsw.gov.au)</a>
Crown land	<a href="#">ePlanning Spatial Viewer (nsw.gov.au)</a>
Critical habitat – Threatened Species Conservation Act	<a href="#">Areas of Outstanding Biodiversity Value register   NSW Environment and Heritage</a>
Critical habitat – Fisheries Management Act	<a href="#">Grey Nurse Shark Critical Habitat (nsw.gov.au)</a>
Mine subsidence district	<a href="#">ePlanning Spatial Viewer (nsw.gov.au)</a>