Notice of assumed concurrence under section 48 of the *Environmental Planning and Assessment Regulation 2021* for certain development in the Sydney Drinking Water Catchment

I, Janine Lonergan, Executive Director, Development Coordination Authority, under section 48(1) of the *Environmental Planning and Assessment Regulation 2021* (**EP&A Regulation**), give notice to the persons in **Schedule A** that concurrence of the Development Coordination Authority under section 4.35 of State Environmental Planning Policy (Planning Systems) 2021 may be assumed subject to the qualifications and conditions specified in **Schedule B**.

Executive Director

Development Coordination Authority

Date: 10 July 2026

Background

a) Section 4.35(2) of *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP (Planning Systems) 2021**) provides that a consent authority must not grant consent to the carrying out of development on land in the Sydney Drinking Water Catchment that may have an impact on water quality without the concurrence of the Development Coordination Authority (**DCA**).

b) DCA must take into consideration the matters listed in section 4.35(3) of SEPP (Planning Systems) 2021 when deciding whether to grant concurrence.

c) Section 48 of the EP&A Regulation provides that the DCA may by written notice given to the consent authority:

   i. inform the consent authority that concurrence may be assumed, subject to the qualifications or conditions specified in the notice, and

   ii. amend or revoke an earlier notice under section 48.

d) The concurrence requirement in section 4.35 of SEPP (Planning Systems) 2021 replaces the concurrence requirement previously in section 6.64 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (**SEPP (Biodiversity and Conservation) 2021**), which was repealed on 1 July 2026 by *State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026*. Section 6.64 required the concurrence of WaterNSW for development on land in the Sydney Drinking Water Catchment that may have an impact on water quality.

Purpose of this notice

This notice:

a) Informs the consent authorities in **Schedule A** that concurrence under section 4.35 of SEPP (Planning Systems) 2021 may be assumed in accordance with section 48 of the EP&A Regulation, subject to the qualifications and conditions set out in **Schedule B**.

Schedule A: Councils to which notice is given

This notice is given to each of the following councils (a ‘relevant council’):

Blue Mountains City Council	Shoalhaven City Council
Campbelltown City Council	Snowy Monaro Regional Council
Eurobodalla Shire Council	Sutherland Shire Council
Goulburn Mulwaree Council	Upper Lachlan Shire Council
Kiama Municipal Council	Wingecarribee Shire Council
Lithgow City Council	Wollondilly Shire Council
Oberon Council	Wollongong City Council
Queanbeyan-Palerang Regional Council	

Schedule B: Qualification or conditions to assuming concurrence

1) Subject to the conditions below, a relevant council may assume that DCA grants concurrence for development that is either:

   a) Module 1 development; or

   b) Module 2 development.

   Note: A consent authority must undertake an assessment using the NorBE Tool to confirm if development is Module 1 or Module 2 development. If the NorBE Tool does not apply to a particular development (or aspect of that development), this notice does not apply and concurrence cannot be assumed.

2) The concurrence of the DCA may be assumed, in the case of a Module 1 development, only if the:

   a) development is not proposed to be carried out on Crown Perpetual Lease Land,

   b) total proposed impervious area of the development (excluding access) is less than 2,500m^2,

   c) total proposed construction area of the development (excluding access) is less than 2,500m^2, and

   d) development is consistent with the requirements of any WaterNSW instrument issued under Division 4 of Part 6 of the *Conveyancing Act 1919*, registered on the title to the land the subject of the development.

3) The concurrence of DCA may be assumed, in the case of a Module 2 development, only if:

   a) the development is not proposed to be carried out on Crown Perpetual Lease Land, and

   b) any on-site wastewater system proposed is a standard system that does not use an emerging technology,

   c) the total proposed impervious area of the development (excluding access) is less than 2,500 square metres,

   d) the total proposed construction area of the development (excluding access) is less than 2,500 square metres, and

   e) the development is consistent with the requirements of any WaterNSW instrument under Division 4 of Part 6 of the *Conveyancing Act 1919*, registered on the title to the land the subject of the development.

   Note: 'Standard' on-site wastewater systems comprise septic tanks, evapotranspiration-absorption (ETA) beds, sand filter systems, aerated wastewater treatment systems (AWTS), sand mounds, amended soil mounds, wet or dry composting systems and greywater treatment systems.

4) Circumstances in which concurrence may not be assumed:

Concurrence may not be assumed if the NorBE Tool is unavailable.

Definitions

1) In this notice:

Crown Perpetual Lease Land means land that is subject to a perpetual lease within the meaning of the Crown Land Management Act 2016.

Module 1 means development that is of a class that Table A1 (Development classes and Module groupings) of the NorBE Tool identifies as belonging to Module 1.

Module 2 means development that is of a class that Table A1 (Development classes and Module groupings) of the NorBE Tool identifies as belonging to Module 2.

NorBE Tool has the same meaning as in State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Note: *The NorBE Tool is set out in Appendix 1 to the Neutral or Beneficial Effect on Water Quality Guideline 2026 prepared by WaterNSW.*

2) Terms in this notice have the same meanings as in the NorBE Tool.