

Frequently Asked Questions

Changes to the Water Management Act Approvals Process for Port Macquarie-Hastings Council

Who is the Water Supply Authority?

Under the Local Government Act 1993, Section 64, Council has certain approvals to act as a Water Supply Authority under the Water Management Act 2000 in relation to development works.

Why is the process changing?

The process is changing to allow Council to issue Development Consent approval in line with NSW Legislation.

What development does this process apply to?

The process applies to the following kinds of development:

- the erection, enlargement or extension of a building or the placing or relocating of a building on land,
- the subdivision of land, and
- the change of use of land or of any building situated on the land.

When is the process changing?

The new Water Supply Authority Approvals process comes into effect on 1 July 2023. All applications related to Council's Water and or Sewer Infrastructure from this date are to be made via Council's website.

How is this different to how I have previously made applications?

Previously water management works were considered as part of the Development Consent and Post Development Consent approvals processes. From July 1 2023, where a Development Application is required, two applications will need to be made for each stage of your development approvals process. As usual, one will be made through the NSW planning portal for Development Consent/Post Consent and a second will need to be made using the Water Supply Authority Approval application form on Council's website.

How do I know if I need to apply for a Water Supply Authority Approval?

Upon lodging your Development Application (DA), you will be notified by Council's Administration Team, that an application for a Water Supply Authority Approval is required. Subject to your DA being granted development consent, a condition will also be included to obtain written confirmation from the Water Supply Authority as to whether the proposed works would affect any Water and/or Sewer Infrastructure, and whether further requirements need to be met.

What if I am going through a Private Certifier?

Where works are privately certified, it is the private certifier's responsibility to ensure that the Council's water and sewer assets are considered, and to obtain the Water Supply Authority's Section 306 Notice of Requirements and Letter of Acceptance (or obtain a copy from the owner/developer prior to certifying a development as being suitable for construction).

How do I know what application I need to make?

Different stages of your development will require different approvals. The new approvals process is outlined below.

S306 Notice of Requirements

This application is to obtain a S306 Notice of Requirements, which is a list of requirements that are to be met in relation to water and sewer for the proposed development.

This application may be submitted at the same time as a Development Application (DA)/Complying Development Certificate (CDC) OR as a standalone application.

The application is submitted prior to the issue of the relevant construction certificate (including subdivision works certificate or S68).

Contribution check

Council will review your application to ensure that any specified contributions for water management works have been paid.

New or modified developments that intensify an existing approved use, increase demand on Council's public water and sewer infrastructure. These developments are subject to development contributions/headworks charges under the Water Management Act 2000. The development contributions/headworks charges cover part of the cost of providing water supply and sewer infrastructure to new developments.

Letter of Acceptance

This application is to obtain a Letter of Acceptance and a stamped set of plans that are acceptable for water and sewer purposes prior to any construction occurring.

A S306 Notice of Requirements has been issued by the Water Supply Authority and you are ready for your plans to be reviewed prior to the issue of the relevant construction certificate (including subdivision works certificate or S68).

This application may be submitted concurrently with an application for a S306 Notice of Requirements.

S307 Certificate of Compliance

When you have satisfied the S306 Notice of Requirements conditions for the new subdivision or development regarding water and sewer works. This application is to obtain a S307 Certificate of Compliance.

What if I have an existing DA Consent for my development that requires me to show design details for Water and Sewer reticulation on my plans for Subdivision Works Certificate and/or Construction Certificate?

From 1st July, a Water Supply Authority Approval will be required for all Water and Sewer water management works. The applicant will still need to make an application via the NSW planning portal for Subdivision Works Certificate/Construction Certificate and a second application will need to be made using the Water Supply Authority Approval application form on PMHC's website.

Does the new process mean I don't have to get any other approvals?

The Water Supply Authority Approval will be completed concurrently with your Development Application approval. It may be necessary to get other Post Consent approvals which are lodged through the NSW Planning Portal. Council's website has additional information about the approval pathway and if in doubt Council's Water and Sewer Planning Team can be contacted to discuss your specific Water and Sewer approval requirements.

How do other Council's operate?

The Water Management Act Approvals Process will be similar to that already operating in metropolitan areas such as Greater Sydney and the Hunter Region.

Some NSW Councils who are also the Water Supply Authority have already transitioned to a new Water Management Act Approvals Process.

How long will the process take?

The length of time to complete each stage will be dependent on the complexity of the proposal and the information provided.

How long is my approval valid for and why?

Your Section 306 Notice of requirements is valid for five (5) years. This is in line with Development Consent Approvals.

Your Letter of Acceptance is valid for one (1) year. This is to ensure that your water management works will complement Council's existing Water and Sewer Network which is continually being improved.

Will there be a cost associated with an application?

Council will not be introducing a fee associated with an application until 2024/2025 financial year. Currently the only fees that are paid are for the Development Consent and Subdivision Works Certificate. Council's fee structure will be reviewed prior to the new fees and charges for 2024/2025.

Where can I find out more information

Additional information can be found on Council's website or you may contact Council's Water and Sewer Planning Team directly on (02) 6581 8111.