



14 June 2022

Environment, Planning and Sustainable Development
Directorate

Dear Environment, Planning and Sustainable Development Directorate

Draft Planning Bill – Consultation – Icon Water Submission

This letter and Attachment 1 provide Icon Water's submission to consultation on the Draft Planning Bill and related Regulations.

Icon Water supplies quality drinking water and wastewater services to the ACT and region. We own and operate assets and manage land across the ACT, comprising the dams, water treatment plants, sewage treatment plants, reservoirs, water and sewage pumping stations, mains and other related infrastructure. Our water and sewerage network consists of over 6,800 kilometres of pipeline across both public and private land.

Icon Water has a keen interest in supporting our growing population by ensuring considered, sustainable and collaborative planning and development. We recognise that appropriate integrated and long-term planning allows us to assess servicing options to support development in greenfield sites, urban renewal and upgrade of assets as they reach end of service life or capacity. Our involvement also supports certainty of supply, efficient and safe maintenance, repair and renewal of existing water and wastewater assets.

We appreciate the opportunity to contribute to this review and look forward to future opportunities to engage on the draft Territory Plan and draft District Strategies. For further information on this submission please contact Ellen Green, External Relations Advisor, Ellen.Green@iconwater.com.au or 0421 459 783.

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Pratt".

Alison Pratt
General Counsel

Attachment 1

Background

On 15 March 2022, the ACT Government initiated public consultation to review the draft Planning Bill. This submission provides Icon Water's response to the consultation.

We are keen to contribute to improved planning outcomes for our community. Beyond the remit of this submission, we feel this may be further enhanced through greater collaboration and integrated planning between ACT Government, the developer community and service providers. Within this response, we outline our general experience as a public corporation with extensive utility infrastructure that serves our community.

An overview of Icon Water

Icon Water is an unlisted public company owned by the ACT Government, which undertakes the primary activities of delivering water, wastewater and associated services to the local community.

Under the *Territory-owned Corporations Act 1990* (TOC Act), Icon Water must:

- operate at least as efficiently as any comparable business,
- maximise the sustainable return to the Territory on its investment in Icon Water, Evoenergy and ActewAGL,
- show a sense of social responsibility by having regard to the interests of the community in which we operate, and
- effectively integrate environmental and economic considerations into decision making processes.

We own and operate the ACT's network of dams, water treatment plants, sewage treatment plants, reservoirs, water and sewage pumping stations and other related infrastructure. We consistently deliver safe drinking water and reliable sewerage services to a community of over 400,000 people.

We've been proudly serving our community for over 100 years. We are committed to continuing to service our growing community in a way that is sustainable, adaptive to the challenges of climate change, collaborative with the development community and responsive to the needs of our broad customer base.

Icon Water's interactions with Planning in the ACT

Our services are fundamental to the development of our city. Icon Water is an active participant in planning activity in the ACT, both as a proponent in the planning and construction of assets to service our community and as a referral entity that is required to approve developments to ensure appropriate servicing, access to and protection of our assets. As such, we have a strong interest in the successful operation of the ACT's planning system and unique perspectives of the challenges and opportunities.

In our role as a proponent, our approach is underpinned by:

- Building and enhancing relationships with stakeholders including ACT Government and developers to ensure we remain responsive to changing market conditions
- Increasing transparency of our planning, design and delivery processes
- Making prudent and efficient investment decisions to ensure the right type of services are delivered at the right time.

In our role as a referral entity, our approach is underpinned by:

- Ongoing updates and increasing awareness of our technical standards.
- Increasing understanding within the developer community of our approvals requirements and transparency of our decision-making processes.
- Ensuring appropriate access to assets to support certainty of supply, efficient and safe servicing, repair, replacement, and general maintenance of services.

Challenges and opportunities

With increased urban infill, and as demand on our existing infrastructure grows, we face challenges of services and development competing for space, as well as maintaining adequate separation between incompatible development types. As such, it is important that we adopt a balanced and collaborative approach that considers the needs of the community, our environment and our regulatory obligations.

Our services are essential to the wellbeing of our community. We plan our infrastructure with an understanding of a changing urban environment, reflecting the impacts of climate change, emerging trends, priorities and community feedback.

Many of our older assets are approaching the end of their service life or are nearing capacity. This brings us both challenges and opportunities to support growth without compromising services to our existing customers through investing in new infrastructure and augmenting existing assets.

We identify the most viable way to service new developments following approved funding. Building infrastructure is expensive, so the timing of construction is important. As a developer of infrastructure, we need to be engaged early, with variables and timelines specified. Preemptive and clear communication allows us to ensure efficient design of new infrastructure and protection of existing assets. It is also required due to the long-life span of assets and the need for them to be effectively integrated into the broader water and wastewater network that services Canberra.

We are working closely with the ACT Planning and Land Authority to streamline the Development Application (DA) process to improve mutual efficiencies for applications received. We are also looking to enhance our Building Applications process to ensure applications are lodged, tracked and responded to in an efficient manner that is respectful of construction and commercial timelines that apply to developments.

One of our key focus areas over recent years has been to “enhance the developer journey.” Through this strategy we are striving to provide the right information, at the right time and in a manner that makes

it easy for developers to do business with us. We are continuing to update standards and guidelines impacting developers and engage with industry to improve design quality and reduce resubmissions.

We recognise that whilst our approaches are rule based, increased flexibility is required to accommodate development in our new urban environment. This may require creative solutions, however, benefit to one development must not be pursued at the cost of compromising service to our broader customer or asset base.

Specific comments on the Draft Planning Bill

Icon Water is committed to supporting development and ensuring there is sufficient servicing to meet growth and infill. There is limited reference to how the Planning Bill will support service providers and utilities in doing so. Reference or focus on the criticality of essential utility services and the role that service providers play in supporting population growth and development may support greater integrated planning, shared efficiencies, and mutually beneficial outcomes to the community. It is recommended that consideration is given to this point and that the Bill be reflective of the collaboration that exists and is required between ACT Government, Developers, and utility providers.

We support the key principles and alignment of the themes of the Bill with various ACT Government strategies. We note however, that there may need to be a balanced assessment between competing principles in the assessment of various developments (e.g., certainty may restrict flexibility). Whilst Icon Water supports the principle of flexibility, our assessment process is very rule based due to the need to ensure clear access to support safe servicing, repair, and replacement as well as asset life cycles and cost. Therefore, departure from any water and wastewater network utility rules is likely to only be by exception that will require consultation and agreement with developers.

It is noted that the proposed Planning Bill provides greater visibility of the new planning authority and the role of the chief planner, which is welcome.

We are also supportive of the minor changes to the entity referral process relating to “more information or amended applications” and feel that these changes provide additional assurances to ensure that our requirements are met and that assets are not negatively impacted should the risk profile of an application be altered.

As a provider of essential services, and based on the criteria for priority projects, we understand that strategic projects for utility infrastructure that provide long-term benefit the community may be declared priority projects under the proposed Bill. We note that this may provide benefit to the community in ensuring we can deliver critical infrastructure in a more efficient manner.

The Exempt Development Regulation has two major implications for Icon Water:

- As a proponent: additional exemptions for minor utility work that will no longer require a DA. This is a welcome improvement that will increase efficiency and reduce cost of such work (to both ACT Government entities and Icon Water), which will save time and money for the community. As we prepare for these changes coming into effect, we will be internally

developing robust governance processes to ensure that minor utility works are managed with diligence and in accordance with environment and planning principles.

- As a referral entity: We acknowledge that there are scenarios where DAs may be exempt for residential builds (that meet the required criteria). However, although the proponent is required to ensure that buildings and structures are not located in easements, access, or protection spaces, we are aware that many applicants will not know where such spaces exist without consulting with the Utility or seeking location through Dial Before You Dig. As such, in circumstances where an application is DA exempt, we still encourage that Utility approval is sought and sufficiently demonstrated to the Territory Planning Authority where interference is likely, due to assets being within proximity of the proposed structure. We acknowledge that the proposed wording is substantially the same as the Planning and Development Act, however, note the lack of consultation with utilities currently creates risk of network interference either by obstruction (e.g. building over or restricting access paths to assets), or by causing direct damage to assets. Such interference may also cause inconvenience to the community through service interruption, delayed response to faults, increased risk of damage to structures built over or too close to infrastructure should the asset fail or homeowners being accountable for the costs to rectify such interferences within their block. In order to improve transparency and accessibility of information on asset locations, we are actively working with the Environment Planning and Sustainable Development Directorate (EPSDD) to include a utility infrastructure layer in ACTmapi. This information source is expected to complement existing data available through Dial Before You Dig and EPSDD to inform appropriate construction by providing indicative location of assets.

We seek consideration of additional, and more prominent wording being added to Exempt Development Regulation specifying that approval may still be required from referral entities, such as Utilities, except where it has been demonstrated that an Applicant has sufficiently consulted with a Utility and/or their proposed development will not interfere with the Utility's easements, access, or protection spaces.