



The Hon Niall Blair MLC
Minister for Primary Industries
Minister for Regional Water
Minister for Trade and Industry

IM17/8794

Your ref: D17/5752

Mr Ed Willett
Tribunal Member
IPART
PO Box K35
HAYMARKET POST SHOP NSW 1240

Dear Mr Willett

Thank you for your invitation of 11 April 2017 to make a submission on the application by Northern Water Solutions Pty Ltd (NWS) for a network operator and retail supplier licence under the *Water Industry Competition Act 2006* (WICA).

It is understood that the WICA licence application is to construct, maintain and operate water industry infrastructure and to provide water supply and sewerage services to the Cobaki Estate at Piggabeen Road, Tweed Heads. The development will source potable water from Tweed Shire Council and it is understood that waste water for the first 500 lots developed will be discharged into Tweed Council's sewerage system until commissioning of the Cobaki Estate waste water treatment plant. Following the commissioning of the plant only treated waste water in excess of recycled water demand may be discharged into Council's system.

Under the *Water Management Act 2000* (WMA), water extractions from a water source must be covered by an appropriate water access licence and approval, a basic landholder right, or a relevant exemption.

The taking of treated waste water, potable water from another utility or harvesting rainwater from rooftops falls outside the definition of State's water rights in the WMA. This means that if the development only sources water in this way then there is no requirement for a water access licence or approval under the WMA.

If the development will source water in any other way, then a water access licence and approval will be required unless the extraction is covered by a basic landholder or harvestable right.

A controlled activity approval may also be required under the WMA if a specified controlled activity will be carried out in, on or under waterfront land (www.water.nsw.gov.au).

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It is also noted that NWS will be the sole operator for water supply and sewerage services to the Cobaki Estate. Therefore IPART should carefully consider the appropriate pricing regime, particularly in regard to ongoing charges and connection fees, to ensure that the customers of the estate are not unduly disadvantaged.

Thank you for your interest in this matter.

Yours sincerely



29 MAY 2017

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