



Mr Hugo Harmstorf
Chief Executive Officer
IPART
PO Box K35
Haymarket Post Shop NSW 1240
By email

Our ref: SF18/102613
Your ref: D18/35096

Dear Mr Harmstorf

Your Ref: D18/35096 Aquacell Pty Ltd Network Operator Licence and Variation of Retail Supplier Licence (Licence Number 09_004R) Application

I refer to your letter to the Hon Anthony Roberts MP, Minister for Planning dated 27 November 2018, regarding an application by Aquacell Pty Ltd for a network operator's licence and a variation to its retail supplier's licence number 09_004R, under the *Water Industry Competition Act 2006* (NSW).

Aquacell Pty Ltd will hold both IPART Network Operator Licence (NOL) and Retail Supplier Licence, while delivery and operation of the sewerage infrastructure scheme for 67 Kurrajong Road, Kurrajong NSW 2758 will be supported by PRJM Pty Ltd, the contractor of Aquacell Pty Ltd.

Retail Supplier Licence 09_004R was granted to Aquacell Pty Ltd on 26 July 2015. The Department had provided advice to IPART in 15 May 2014 in relation to the initial licence application detailed above. Aquacell Pty Ltd now proposes to service the 67 Kurrajong Road with sewerage services. To do so, Aquacell Pty Ltd has collated conditions of consent (DA0830/15) granted by NSW Land and Environment Court along with relevant plans, specifications and documentation to seek a network operator's licence and a variation to its retail supplier's licence to enable servicing of several of the subdivided lots in 67 Kurrajong Road, Kurrajong NSW 2758.

The licence application and variation which seek approval to bring new infrastructure into commercial operation are being sought on a one-time basis.

To address the questions in your letter:

1. *Has Aquacell been subject to any of the following enforcement actions under the EP&A Act: negotiated outcome, warning letter, enforceable undertaking, order from the Minister, court order or successful prosecution? If so, please provide details of the enforcement action(s).*

No.

2. *Do you consider that our understanding of the approvals that have been obtained and are required to be obtained, under the EP&A Act (as outlined in Attachment A) is correct for the activities the network operator's licence variation would authorise, if granted? If not, in your opinion, what approvals have been or are required to be obtained?*

Yes.

3. *Are you aware of any unacceptable risks to the environment posed by the activities to be licensed? If so, what are these risks?*

Based on the information provided, the Department is unaware of any unacceptable risks.

4. *If granted, should the network operator's licence contain any specific conditions in relation to protection of the environment? If so, what conditions do you recommend?*

The Department does not recommend any conditions.

5. *If the licences are granted, what planning measures or risk controls should be considered to ensure that complying development and other similar activities do not interfere with the safe operation of the effluent disposal mechanism for the scheme, namely the sub-surface irrigation of the 35 residential lots within the proposed area of operations.*

Based on the information provided, the Department notes that development consent DA 0830/15 requires the Applicant operate a Recycled Water Management Scheme, with the effluent disposal area to provide:

- setbacks of 1m to site boundaries, 3m to swimming pools and 1m to dwellings unless those dwellings are downslope of the effluent disposal area in which case the setback shall be 3m
- minimum area of 203m², including setbacks.

The development consent also requires the Applicant to implement:

- a Plan of Management for the Recycled Water Management Scheme, with Council approval required, setting out all design and operational parameters for the Scheme including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance
- a Community Management Statement, that would require lot owners to comply with the approved Plan of Management. The Statement must require that no structures or any other items which may damage the reticulated irrigation system (including vehicles) should be built or placed over/under the dedicated disposal area within each lot
- a covenant over land within the site that would include the above minimum site area and restriction on structures which may damage the reticulated irrigation system.

IPART may wish to consider these matters in relation to the current application.

Further, the Department also notes that Aquacell's draft Sewage Management Plan concludes that other networks should not be connected to the effluent reticulation network.

Should you have any questions in relation to the matters raised in this letter, please contact Dominic Crinnion, Team Leader, at the Department [REDACTED]

Yours sincerely

[REDACTED]

Karen Harragon
Director
Social and Other Infrastructure Assessments

15/2/2019