



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

IM18/32900

Your ref: D18/35906

Mr Hugo Harmstorf  
Chief Executive Officer  
IPART  
PO Box K35  
HAYMARKET POST SHOP NSW 1240



Dear Mr Harmstorf

**Application made by WUA MidCo Pty Ltd for a network operator's licence**

Thank you for your letter of 5 December 2018 inviting the Minister for Regional Water to make a submission on the application made by WUA MidCo Pty Ltd for a network operator's licence and a retail supplier's licence for the Kooragang Industrial Water Scheme (KIWS).

Licences and approvals under the *Water Management Act 2000* (WM Act) include water access licences, water supply work approvals, controlled activity approvals and aquifer interference activity approvals. I understand that you have already been informed that a water access licence and water supply work approval are not required for the KIWS.

A controlled activity approval is required to carry out activity in, on or under waterfront land in NSW. Sections of the KIWS are located on waterfront land. A network operator is exempt from requiring a controlled activity approval, if:

- the activity does not cause any change in the course of the river; and
- the operator or licensee, after considering s 5.5 of the *Environmental Planning and Assessment Act 1979*, is satisfied that the activity is not likely to affect the environment significantly.

For more information, please refer to cl 43 of the Water Management (General) Regulation 2018.

The aquifer interference provisions of the WM Act have not been enacted. WUA MidCo Pty Ltd held a licence under Part 5 of the *Water Act 1912* to excavate and dewater the site when constructing KIWS.

If you require additional information or wish to discuss this matter further, please contact Ms Alison Collaros, Manager Licensing & Approvals (East) [REDACTED]

Yours faithfully

7 FEB 2019

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