



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

IM18/32856

Mr Hugo Harmstorf  
Chief Executive Officer  
Level 15, 2-24 Rawson Place  
SYDNEY NSW 2000

Dear Mr Harmstorf

Thank you for your letter of 4 December 2018 inviting the Minister for Regional Water to make a submission on Aquacell Pty Ltd's application for network operator's licence and a variation of its retail supplier's licence under the *Water Industry Competition Act 2006* (WIC Act) (licence no, 09\_004R).

A water access licence under the *Water Management Act 2000* (WM Act) will not be required in relation to the scheme (if approved) as the scheme relates to the provision of sewerage services only.

A Controlled Activity Approval under s91(2) of the *Water Management Act 2000* may be required if, under the licence variation so approved, a specified controlled activity at a specified location in, on or under waterfront land would be carried out.

A controlled activity approval permits its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land. Controlled activities include the erection of a building or the carrying out of a work, the removal of material or vegetation from land, or the deposition of material on land, the carrying out of any other activity that affects the quantity or flow of water in a water source within a distance of 40 metres from any river, lake or estuary (for more details see the Dictionary of the WM Act under "controlled activity" and "waterfront land").

A network operator is exempt from requiring a controlled activity approval for an activity carried out in, on or under waterfront land relating to a river, estuary or lake if:

- the activity does not cause any change in the course of the river and
- the operator or licensee, after considering s5.5 of the *Environmental Planning and Assessment Act 1979*, is satisfied that the activity is not likely to significantly affect the environment.

For more details about this please refer to s43 of the WM Regulation.

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

Yours sincerely

18 FEB 2019

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