



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

15/06528

Dear Mr Harmstorf

I refer to your correspondence dated 25 March 2015 to the then, Minister for Planning, the Hon Pru Goward MP concerning a licence application by Cooranbong Water Pty Ltd under the *Water Industry Competition Act 2006 (WIC Act)*. Following the election in March 2015, the Hon Rob Stokes MP is now the Minister for Planning and this response is prepared on his behalf.

I note that as part of your consideration of the licence application, you have sought comments in relation to a number of questions.

In response to your request, the Department provides the following comments:

1. The Department is not aware of any breaches of the *Environmental Planning and Assessment Act 1979* by Cooranbong Water Pty Ltd in relation to this project.
2. The Department understands that the scheme is comprised of a "sewage reticulation system" and "water recycling facility" as defined under Clause 105 of *SEPP (Infrastructure) 2007 (ISEPP)*. The scheme is also comprised of "water reticulation system" as defined in Clause 124 of *(ISEPP)* in relation to the reticulation of drinking water.

The licence application states that Lake Macquarie City Council is currently assessing a designated development proposal (DA 714/2014) for the development of a "water recycling facility" on Lot 12, D.P 1158508. Accordingly this part of the licence application does not rely on the provisions of *ISEPP*. IPART may wish to confirm with Council whether the "water recycling facility" detailed in the application to IPART, is consistent with the Development Application.

The licence application also states that Lake Macquarie City Council granted development consent (DA 573/2014) in relation to sewage, recycled water and drinking water reticulation in relation to part of the subject land, being Lot 333, DP 1183498 and Lot 10. Sec 6, DP 3533. Accordingly this part of the licence application does not rely on the provisions of *ISEPP*. IPART may wish to confirm with Council whether the "water recycling facility" detailed in the application to IPART, is consistent with the Development Consent.

The "sewage reticulation system" for the remainder of the North Cooranbong development would include both sewage and recycled water reticulation. Clause 106(3) of the *ISEPP* provides for sewage and recycled water reticulation, as part of a "sewage reticulation system" as development without consent on any land, if carried out by a person holding a WIC Act licence.

*ISEPP* does not provide for the development of a "water reticulation system" for drinking water by a person holding a WIC Act licence. Accordingly, the provisions of *ISEPP* do not facilitate the development of the drinking "water reticulation system" which is proposed for the remainder of the North Cooranbong precinct.

The need for further approvals in relation to the scheme will be dependent on the Council's response regarding the terms of Development Approval No. 573/2014 and Development Application No. 714/2014. IPART may also wish to seek advice from the Council regarding the provisions of the local plan in relation to the development of the "water reticulation system" for the remainder of the North Cooranbong precinct.

3. As the Department has had no involvement in the assessment of DA 573/2014, DA 714/2014 or the licence application, it has no specific comments in relation to potential environmental risks.

I note from the Review of Environmental Factors, that the licence application proposes work within Stages 2 and 4 of the Concept Approval MP 07-0147 (Figure. 2). IPART may wish to seek advice from the Commonwealth Department of Environment regarding threatened species and ecological communities in this area of the precinct and the status of these offsetting under the *Environment Protection and Biodiversity Conservation Act 1999*.

Should you have any further enquiries about this matter, I have arranged for Karen Harragon, Manager – Infrastructure Projects to assist you. Ms Harragon can be contacted on 02 9228 6358.

Yours sincerely

27.4.15

Chris Wilson  
**Executive Director**  
**Infrastructure and Industry Assessments**