



Ms Fiona Towers
Acting Chief Executive Officer
IPART
PO Box Q290
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14/04043

Dear Ms Towers

I refer to your letter to the Hon Brad Hazzard MP, Minister for Planning and Infrastructure, concerning applications by Solo Water Pty Ltd for two separate retail supplier's licenses under the Water Industry Competition Act 2006 (NSW) for Catherine Hill Bay and Wilton. The Minister has asked me to reply on his behalf.

On 15 November 2013, the Department provided comments in relation to a network operator's licence and retail supplier's license under the WIC Act at Catherine Hill Bay. The Agency's previous comments continue to be relevant to the current application.

I previously advised that the proposed sewage treatment plant for Catherine Hill Bay was prohibited on the land zoned R2 – Low Density Residential and that Planning and Infrastructure was in receipt of a proposal to rezone part of the site to SP2 - Infrastructure under Schedule 3, Part 14 of the SEPP (Major Developments) 2005 to accommodate the facility. The rezoning proposal is still under consideration.

You were also advised that there are no provisions under State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) for development for the purpose of a water supply system by any person other than a public authority (or acting on behalf of a public authority) with or without development consent. However, ISEPP permits:

- Development by a person licensed under the WIC Act for the purpose of a sewage treatment plant or water recycling facility to be carried out without development consent within prescribed zones; and
- A sewage reticulation system with development consent on any land.

If the rezoning occurs, the facilities and system listed above may be development without consent under Part 5 of the EPA Act, as per Clause 106(2) of the SEPP (Infrastructure) subject to a WIC Act license being granted.

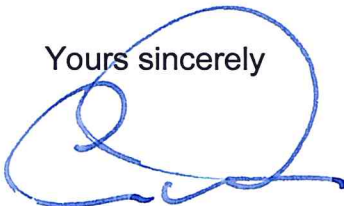
With respect to the retail supplier's application to supply non-potable water and provide sewerage services for Wilton, it is noted that Director General Requirements (DGRs - Local) for a sewage treatment plant and associated irrigation scheme were issued by Planning and Infrastructure on 10 December 2013. The DGRs relate to property 150

Condell Park Road, Wilton (Lot 103, DP 1108927). It is noted that the WIC Act application is for a retail supplier's license only.

In requesting DGRs, the applicant advised that the proposal constituted designated development pursuant to Schedule 3, clause 29 of the Environmental Planning and Assessment Regulation 2000, as the proposed sewerage system has an intended processing capacity of more than 2,500 persons equivalent capacity or 750 kilolitres per day. The applicant also advised that the proposal is permissible with development consent pursuant to clause 2.3 of the Wollondilly Local Environment Plan 2011 and the Regional Planning Panel is the relevant consent authority. Accordingly, the IPART may wish to confirm whether an application has been lodged with Wollondilly Shire Council and seek advice on its status.

Should you have any further enquiries about this matter, I have arranged for Karen Jones, Director Infrastructure Projects, Planning and Infrastructure to assist you. Ms Jones can be contacted on 9228 6150.

Yours sincerely



13.3.14

Chris Wilson
Executive Director
Development Assessment Systems and Approvals