



**Planning &
Environment**



14/01158

Mr Matt Edgerton
Director, Water
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230

Attention: Gary Drysdale

Dear Mr Edgerton

I refer to your letter to Mr Richard Pearson, Deputy Secretary of Housing, Growth and Economics, concerning the Huntlee Water Pty Ltd application for a network operator's licence. The Deputy Secretary has asked me to reply on his behalf.

The Department raises no objection to the application for a network operator's licence, provided all necessary approvals have been obtained. However, it is requested that Cessnock City Council, Singleton Council and Hunter Water Corporation be consulted about the application for a licence under the *Water Industry Competition Act 2006* before any decision is made.

The Department has undertaken a preliminary review and advises that the construction of a sewerage treatment plant or water recycling facility at Huntlee is not permitted under the *State Environmental Planning Policy (Infrastructure) 2007* because the land is not located within a prescribed zone. Also, there are no provisions in the *State Environmental Planning Policy (Infrastructure) 2007* 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.

In regards to *State Environmental Planning Policy (Major Development) 2005*, Schedule 3 State significant sites Part 27, it provides the Huntlee planning controls, but it does not permit reticulated water and sewer with or without consent in any of the adopted residential, mixed use or environmental zones.

I am advised that Huntlee has recently requested that the Minister amend *State Environmental Planning Policy (Major Development) 2005* to address reticulated water and sewer permissibility in the relevant zones. The relevant contact for this amendment is Mr Simon Bennett from the Department's Housing and Employment Delivery Team on (02) 9228 6573.

Should you have any questions regarding this broader matter, I have arranged for Trent Wink from the Department's Newcastle office to assist you. Mr Wink can be contacted on (02) 49042716.

Yours sincerely,

30 July 2014
David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics

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