

EKG:VC/Emily Goodworth
F2004/06782
D11862972

20 February 2015

Attn: Gary Drysdale
IPART NSW
PO Box K35
HAYMARKET POST SHOP NSW 1240

Dear Mr Drysdale

Review of Environmental Factors for Sewage Treatment Plant and Sewage Reticulation Network, Catherine Hill Bay (D15/2056)

Thank you for the opportunity to provide comment on the Review of Environmental Factors (REF) for the proposed sewage treatment plant and sewage reticulation network proposed by Catherine Hill Bay Water Utility Pty Ltd (CHBWU). Please note that Council does not raise any objection in relation to the proposal, as the infrastructure is located wholly within Lake Macquarie City Council Local Government Area.

In relation to your enquiry regarding the approvals that need to be obtained for the water infrastructure proposed in Wyong Shire, I provide the following information:

- Development consent is required under Part 4 of the *Environmental Planning and Assessment Act 1979* for any infrastructure proposed in land zoned RE1 Public Recreation and E3 Environmental Management under Wyong Local Environmental Plan 2013. As the proponent is a private water utility they are unable to utilise the provisions of State Environmental Planning Policy (SEPP) (Infrastructure) 2007 to carry out a Part 5 Assessment.
- Nothing is permitted with development consent in the E1 zone under WLEP 2013. Part of the pipeline proposed along Kanangra Drive is zoned E1. Only uses authorised under the *National Parks and Wildlife Act 1974* (NPW Act) can be carried out without development consent. Planit Consulting, who act on behalf of CHBW, have confirmed that the Office of Environment and Heritage (OEH) have granted a Part 5 approval for works to be carried out on their land as a use authorised under the NPW Act however, they have informed Council that OEH will not issue any Part 5 Approval on Council owned land, even land which is zoned E1.
- As the works proposed in Wyong Shire are not be carried out by or on behalf of a public authority Council is unable to determine a Part 5 application on E1 land and the provisions of SEPP Infrastructure cannot be utilised.

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Council is currently in discussions with Planit Consulting regarding the relocation of the pipeline within RE1 zoned land to enable a determination under Part 4 to be granted.

Should you have any further enquiries, please contact Council's Team Co-ordinator – Development Assessment, Emily Goodworth on (02) 4350 5436.

Yours faithfully

*f*anya O'Brien

Manager

DEVELOPMENT AND REZONING