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Ref: 2004-1164/2

Industry, Key Sites & Social Projects
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Kate Masters

Dear Kate

**PROPOSED RESIDENTIAL SUBDIVISION AT CATHERINE HILL BAY - PROPOSED
MODIFICATION TO PROJECT APPROVAL**

Thank you for seeking Hunter Water's comment on the proposed modifications to the project approval for the Catherine Hill Bay Residential Subdivision dated 13 May 2011.

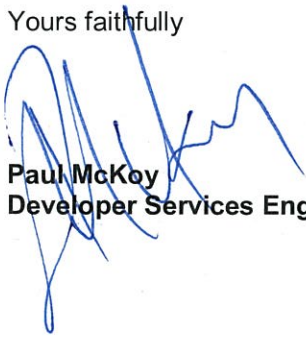
Hunter Water confirms that there are no current applications with us for connection of the development to Hunter Water infrastructure and it is our understanding that water and sewer services are to be provided to the development by a private water utility under the provisions of the Water Industry Competition Act 2006.

Hunter Water therefore supports the developer's proposal to modify the planning approval to remove any reference to Hunter including the references at items B2(3), B24(1) and D1(4) are to be removed.

However, Hunter Water further advises that Clause 153 in Schedule 1 of the [State Environmental Planning Policy Amendment \(South Wallarah Peninsula\) 2014](#) requires Hunter Water to buy the land zoned 'SP2 Infrastructure' please see extract of Section 153 attached. In keeping with the above advice Hunter Water also requests that the Planning Policy be amended such that reference to Hunter Water is also removed.

Should you require any further information, please do not hesitate to contact me on 4979 9476.

Yours faithfully



Paul McKay
Developer Services Engineer

Attachments: Clause 153, Schedule 1 - *State Environmental Planning Policy Amendment (South Wallarah Peninsula) 2014*

153 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the *owner-initiated acquisition provisions*).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone SP2 Infrastructure	Hunter Water Corporation
Zone E1 National Parks and Nature Reserves	Minister administering the <i>National Parks and Wildlife Act 1974</i>

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.