



Our Ref: J02888
Your Ref: MP08_0200
Date: 28th July 2016

The Director General
The Department of Planning
GPO Box 39
SYDNEY NSW 2001

RE: Cobaki Lakes - Amendments to MP08_0200 to allow for the development of a Water and Sewerage System

Dear Sir,

Planit Consulting has been engaged by Northern Water Solutions Pty Ltd to seek the amendment of the Major Project MP08_0200.

As per Schedule 6A, section 3C(1) of the *Environmental Planning and Assessment Act 1979*, we hereby seek the Department's support in rationalizing the requested amendment of the Major Project MP08_0200 so as to facilitate the construction of a private Water and Waste Water Treatment Plant (pursuant to the provisions of the *Water Industry Competition Act, 2006*) and associated sewerage and water supply infrastructure upon land owned by Leda Manorstead Pty Ltd (the Cobaki Development).

This request seeks to include provision for alternative water and sewerage services and infrastructure, so as to allow for the efficient servicing of the land for the purposes of either connecting into Council reticulated water and sewerage services or by providing standalone water and sewerage services for the development. As such, the proposed modifications attempt to allow flexibility in choice.

Whilst the *Water Industry Competition Act 2006* and to a lesser extent, the SEPP – Infrastructure, have highlighted the appropriate paths with respect to the implementation of Private Water and Waste Water Utilities, in this instance, Leda Manorstead Pty Ltd, who have engaged Northern Water Solutions Pty Ltd to provide such utilities, is unable to implement a privately owned system given the current wording of the Major Project Approval MP08_0200.

Having regard to the above, this request seeks to provide the framework within the Major Project Approval MP08_0200 to facilitate the use of an alternate Private Water and Sewer Utility to service the Cobaki Lakes development proposed by Northern Water Solutions Pty Ltd.

This development, which enjoys approval pursuant to Major Project Approval MP08_0200, provides for the carrying out of subdivision of the entire Cobaki Estate site into seven lots, staged bulk earthworks to create central open space, riparian corridor, structured open space and future stormwater drainage area, road forming works and culverts crossing the central open space, road forming works across saltmarsh areas, including culverts and trunk sewer and

water services, revegetation and rehabilitation of environmental protection areas for coastal saltmarsh and establishment of freshwater wetland and fauna corridors. The approvals issued to date (including the Concept Approval MP06_0316 and the subject approval MP08_0200) envisage ultimate connection of the development to Tweed (Water and Sewer). An alternate solution is available to the proponents and as such, the proponents have engaged Northern Water Solutions Pty Ltd to service the proposal. Northern Water Solutions have commenced the preparation of an application to the Independent Pricing & Regulatory Tribunal (IPART) for an operator's license (pursuant to the *Water Industry Competition Act 2006*) to cover the subject area.

The specifics of this request are as follows:-

1. Amend Condition 7 to include the following requirement (c) as follows:

c. Notwithstanding condition 7a above, where there is an inconsistency between this consent and any water and sewer infrastructure sought under the Water Industry Competition Act, 2006, then the provision of the Water Industry Competition Act 2006 and any approval granted under this legislation, will prevail.

2. Amend Condition 17 to include the following point (e) at the end of this as follows:

e. The above condition is only applicable where the proponent seeks to have Water and Sewer infrastructure provided by Council. In the event that such services are sought under the provisions of the Water Industry Competition Act, 2006, the above conditions are not applicable unless they form part of an alternate agreement between the developer and Council or the Water & Sewer authority authorised under WICA and Council.

3. Amend condition 58(d) to include the additional wording (underlined> as follows:

d. Where required, the plans are endorsed by a Registered Surveyor or a Consulting Engineer certifying that:

- i. All relevant drainage systems, sewer lines, services and structures (as appropriate) are wholly contained within an appropriate easement created by the subdivision.*
- ii. The plans accurately reflect the Works as Executed.*

4. Include a further commitment at the end of the Statement of Commitments to read as follows:

13. Environmental Outcome:

All water and sewer infrastructure is to be constructed in accord with relevant approvals and to the necessary standard.

Measure: That where the proponent does not seek to utilise Tweed Shire Council for the provision of Water & Sewer infrastructure, that such infrastructure will be provided in accord with the private approval requirements outlined under the Water Industry Competition Act, 2006 and associated regulations.

Timing for completion: at each relevant stage of development.

Concurrent requests for modification in relation to the Cobaki Development have also been made for major project approval MP06_0316 and Tweed Shire Council consents DA10/0801.02 and DA10/0800.03. As stated earlier, the request will facilitate the orderly and economic development of the land for the purpose intended by the land uses and approvals that have previously been granted, whilst also satisfying the specific aims of both the *Water Industry Competition Act 2006* and State Environmental Planning Policy (Infrastructure) 2007.

Upon acceptance of the proposed change and upon the issuing of an operator's licence by IPART, the proposed Water and Sewerage System will be subject to the relevant Environmental Assessment provisions provided for under Part 5 of the *Environmental Planning & Assessment Act 1979*.

We would be pleased if you could review the details contained in this correspondence and advise as to any further information that the Department will require in respect of the request made.

Yours sincerely



per Adam Smith
Director
Planit Consulting P/L