



Our Ref: J02888
Your Ref: MP06_0316
Date: 8th August 2016

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

RE: Cobaki Lakes - Amendments to MP06_0316 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 MP06_0316.

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 MP06_0316 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 MP06_0316.

Having regard to the above, this request seeks to provide the framework within the Major Project Approval MP06_0316 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 MP06_0316, provides for a concept plan comprising residential development for approximately 5,500 dwellings, a town centre and neighbourhood centre for future retail and commercial uses, community and education facilities, open space and wildlife corridors, landscaping and vegetation management, environmental protection areas, rehabilitation of environmentally sensitive land, water management areas, roads, bicycle and pedestrian networks and utility service infrastructure. The approvals issued to date (including the referenced Concept Approval) 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 A1 to include the following at the end of the final bullet point as follows:

*Utility service infrastructure inc. private infrastructure otherwise authorized under the *Water Industry Competition Act 2006*.*

2. Amend Condition A3 to include the following at the end of additional information Clause (10) to read as follows:

*(10) Final Statement of Commitments as amended in July 2016 to reflect the potential provision of Water and Sewerage services under the *Water Industry Competition Act 2006*.*

3. Amend Schedule 3 – Statement of Commitments to include a further commitment as the end of the Statement of Commitments to read as follows:

15. Environmental Outcome:

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

*Commitment: 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: at each relevant stage of development.

Further amendments are also requested within the Cobaki Estate Development Code.

Remove the strikethrough and insert the underlined for each section outlined as follows:

Code Modification request 1

2.0 Exempt and Complying Development

2.1 Exempt Development

Controls

Item (h) if work involves any plumbing or drainage works, approval for such work under the Local Government Act (or its equivalent) must be obtained from the ~~local~~ relevant water and sewer authority.

Code Modification request 2

Schedule 1

Division 1 General and Residential exempt Development Code

Subdivision 31 Rainwater tanks (Above Ground)

2.1.64 Development Standards

Item (3) If reticulated water is provided to the lot, the development must not be connected to reticulated ~~town~~ water supply without the prior approval of the ~~local~~ relevant water authority.

Code Modification request 3

Schedule 2

2.2.1 Lot Requirements

- (1) *Development specified for this Code must only be carried out on a lot that:*
 - (a) *is a nominated lot for the type of development proposed, and*
 - (b) *has a direct connection to ~~the Council's~~ reticulated water supply and sewer.*
- (2) *A lot on which new dwellings are erected must have lawful access to a public road.*

Further to the above should any other section within the approval be identified which restricts the developer to connecting solely to a local government water and sewer provider, it is respectfully requested these additional sections also be amended to ensure flexibility for either a local government or a private water and sewer utility provider be conceivable for the Cobaki Development.

Concurrent requests for modification in relation to the Cobaki Development have also been made for major project approval MP08_0200 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. Please contact Simon Halcrow, Senior Town Planner on 02 6674 5001.

Yours sincerely



per Adam Smith
Director
Planit Consulting P/L