

Council Reference: DA10/0853.08 LN20960  
Your Reference:



10 April 2017

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**Attention: Natasha Harras**

Dear Sir/Madam

**Additional TSC comments on the proposed amendments to the modification of the Cobaki Concept Approval (MP06\_0316 Mod 5) and the proposed modification of the Project Approval (MP08\_0200 Mod 4) with regard to water supply and waste water treatment.**

I refer to your emails of 15 March 2017 requesting Council's comments on proponent's response to Council's previous submission, in relation to the proposed Mods to the Concept Plan and Project Approval. Confirmation was also requested as to whether the latest documentation resolved Council's issues, following a meeting with the proponent.

It should be noted that a meeting was held between Council staff and NWS on 7 March 2017, largely to discuss a possible agreement between NWS and Council for the provision of water and sewerage. The issue of the standards was not specifically addressed nor agreed to at the meeting.

In response to the Planit Consulting letter dated 10 March 2017 and the Planit Engineering letter dated 15 March 2017, Council provides the following comment.

#### S68 Application

Council's Water and Wastewater Unit will process an application under s68 for water supply and sewerage works in accordance with all applicable provisions of the Regulations, Council's DCP Section A5 and Development Design Specifications D12.

As a licence has not been granted to a licenced operator, Council must make the assumption in assessing any s68 application that the works will become Council Assets. Hence, the assets must be designed and constructed to the standards and type of system that Council will accept.

It is not considered that Council's previous comments are at odds with DCP A5 and D12. For Council to accept something other than a normal gravity sewer system, Council will have to be convinced that it is the best system for Council to own and operate (D12.04 Point 3 and Point 4). The statement that D12 requires pressure sewer systems to be designed in accordance with the various codes is consistent with many specifications that provide multiple provisions to cover various available technologies, but does not imply that Council must or will accept such a solution in any given development if that infrastructure is to become Council's responsibility to own and operate.

### Gravity Sewer System

Council has a number of pressure sewer systems within the Shire where there are individual pump stations servicing properties that could not be economically serviced by conventional gravity sewerage. Feedback from Council's operational staff is that the pressure sewer systems require a higher level of maintenance of the pumps per property than comparable areas of gravity sewerage require attention to the local sewer pump station. Consequently, Council desires to minimise the number of pressure sewer systems and pump stations rather than exacerbating the maintenance and mechanical asset replacement costs over the long term.

In relation to the assertion that Council has not seen the detail of the proposed infrastructure, it is considered that from information provided to Council to date, meetings with Mr Wayne Williamson of NWS, and other documentation prepared by Mr Williamson when in the employ of another private water company, Council is aware of the general nature of what is to be proposed. It is the proponent's prerogative to submit a proposal which Council is likely to not accept, but by signalling Council's opposition to the use of a pressure sewer system in this case, the Council is being open with the proponent.

In relation to the Groundwater Vulnerability Layer discussed in the Planit Engineering Letter to NWS, Council has many kilometres of conventional gravity systems in High and Moderate-High Vulnerability and does not consider that the groundwater vulnerability mapping is conclusive evidence precluding safe construction of a conventional gravity sewerage system.

### Reticulated Non-Potable Water

In relation to the proponents comments on Control 5.10 (5), whilst there is no reference in Council's controls in relation to reticulation of non-potable water not being allowed, there is nothing that says that reticulation of non-potable water will be allowed. Given that works to be installed under a s68 approval would become Council's to operate, Council would be required to obtain an approval under Section 60 of the Local Government Act to allow such a scheme to operate. At this stage, Council does not have a source of non-potable recycled water of a quality suitable for domestic use available to the Cobaki Estate. For Council to accept the construction of non-potable water reticulation would be either to commit Council to developing such a supply at a very considerable cost to the rate payer, or to commit a developer to unnecessary expense for a system that Council does not propose to use.

### Development Code

It is considered that the proposed deletion of **Section 5.9** from the Code would result in the development reverting to the road / footpath allocation in Council's Design Specifications (i.e. TSC Standard Drawing SD006). Such a scenario is not consistent with previous advice by the proponent, as to where they intend to place these services, nor does it clarify how the proponent intends to provide these essential services (i.e. water, sewer and recycled water) within the proposed road reserve. The questions previously raised by Council remain unanswered. As the future owners of the public road reserve, it is considered reasonable that such detail be provided and Section 5.9 of the Code remain.

With regard to **Section 5.10** of the Code, the following comments are provided:

### **5.10 Private Services Infrastructure**

#### **Controls**

- (1) ***In the event that the proponent seeks to pursue Water and or Sewerage connections in accord with the Water Industry Competition Act, 2006, then a licence must be sought and issued by IPART for such works, with the exception of those works that are exempted from approval under the Water Industry Competition Act 2006.***

No changes are proposed to Control 1.

It is noted that the proponent concurs with Council in that any such exemptions will be limited to LEDA as the landowner.

No objection is raised to this control.

- (2) ***Both conventional gravity sewerage (connection to Tweed Shire Council) and or an alternate Pressure Sewer System pursued under the Water Industry Competition Act 2006, must be designed in a manner consistent with the provisions of Tweed Shire Council Development Design Specification D12.***

No objections are raised to the proposed additional wording for Control 2 (shown underlined).

It is noted that the proponent rejects Council's previous comments in relation to Control 2. Council's response to the proponent's most recent documentation is provided above, whereby it is noted that a gravity sewer system is considered to be a superior system to a pressurised sewer system.

As noted previously, Council has no objection to a proposal for a private water / sewer network. However, Council does have concerns with the pressure sewer system being proposed.

- (3) ***Before undertaking any ~~plumbing and drainage~~ works, ~~the proponent must seek appropriate approvals requiring approval under Section 68 of the Local Government Act, the proponent must ensure that these works are~~ before any ~~Plumbing & Drainage~~ works can commence. ~~These works must be~~ consistent with the conventional sewerage or pressure sewer system requirements of Control No.2 above.***

The proponent has confirmed that Control 3 relates to plumbing and drainage civil works and not internal house connections.

No objections are raised to the proposed amended wording (shown underlined or struck through). As noted above, any s68 application will need to comply with Council requirements and be of a standard acceptable to Council (i.e. gravity sewer).

- (4) ***Should the proponent seek to carry out works in respect of the exemption listed in 1 above and any subsequent Section 68 approval, then in the event that the proponent does not receive a WICA licence and the infrastructure has been constructed on land to be dedicated to Council in the future, then such infrastructure must be removed***

***entirely from the site before Council will accept dedication of the land. Such removal must be done at the cost of the proponent***

Council's initial comment that this control is invalid remains unchanged. If a WICA licence is not issued, the exempted works need to be approved through a S68 application to Council. As noted above, such s68 application would need to comply with Council's standards (i.e. gravity sewer). This being the case, there would be no need to remove any infrastructure as it will already be to Council's standards.

If the Department considers that Control 4 should remain in place, Council would take the opportunity to include the need for a surety bond.

It is also noted that if a licence is not issued, any infrastructure that is not in accordance with Council's standards for gravity sewer should be removed, regardless of its location. Accordingly, if the Department concludes that Control 4 should remain in place, it is recommended that the reference to infrastructure constructed on land to be dedicated to Council be amended to reflect all infrastructure not in accordance with Council's requirements is to be removed.

- (5) Where a dual reticulation water supply for recycled water is provided throughout the development, this must be designed and constructed generally in accordance with WSA Dual Water Supply Systems and Tweed Shire Council Water Supply Specifications. ~~The layout is to be generally in accordance with figure 5.9.2~~***

As noted above, it is considered necessary to address the issue of infrastructure within the road reserve and as such, Section 5.9 of the Development Code should remain.

However, if the Department considers that Section 5.9 should be removed from the Code, then no objections are raised to the proposed changes to Control 5 (shown struck through).

The proponent's acceptance of complying with the WSA requirements is noted. Please refer to Council's comments above in relation to concerns about reticulated non-potable water should a WICA licence not be issued.

- (6) The developer must incorporate on the title for all allotments created, relevant Restrictions as to the User which enforce the need for all dwellings and buildings with plumbing (including commercial buildings and the like) to make provision for recycled water service facilities to the approval of the relevant water and sewerage authority.***

No changes are proposed to Control 6.

It is noted that the proponent concurs with Council in that the provisions of this control are only applicable in the event that a licence is issued by IPART.

No objection is raised to this control.

### Summary

Council is of the opinion that a gravity sewer system is the most appropriate system to use for the Cobaki development. Council's previous comments (dated 22 February 2017) raising concerns in regards to the proponent's proposed pressure sewer system remain in place.

The latest documentation provided by the proponent has not resolved Council's issues.

If a WICA Licence is not issued by IPART, the proponent will need to submit an application to Council under s68 of the Local Government Act. Council will assess such application in accordance with all relevant provisions of the Regulations, DCP A5 and Design Specifications D12, on the assumption that the proposed infrastructure will become Council assets to own and operate.

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully

**Lindsay McGavin**

Manager Development Assessment and Compliance