

17 May 2022

Jane Gibbs
Director Regionally Significant Development
Local & Regional Planning
NSW Department of Planning and Environment
By email: enquiry@planningpanels.nsw.gov.au

Dear Ms Gibbs,

**CHELSEA GARDENS DEVELOPMENT APPLICATION – SOUTHERN REGIONAL PLANNING PANEL ('SRPP')
RECORD OF BRIEFING 28 APRIL 2022 – YOUR REF: PPSSTH-7**

We refer to the aforementioned Record of Briefing received 3rd May 2022 and further additional information requested from the Applicant. We provide the following response on behalf of the Applicant to be read in conjunction with the following accompanying documents attached to this submission.

Attachment A:

- Letter by SEEC dated 3rd May 2022 re Chelsea Gardens (ref: 20000305)
- Letter by True Water Australia dated 16 May 2022.

Attachment B:

- Letter from Addisons dated 16 May 2022.

Attachment C:

- Email from Christine Allen Director, Regulation and Compliance, IPART dated 9 May 2022.

Attachment D:

- Addendum to Statement of Environmental Effects by Premise.

Attachment E:

- Water and Sewer Infrastructure Staging Plan by Premise.

1. Technical expert advice on any amendments required to the proposed arrangements for the stage 1 sewer service strategy in light of:

a. Limitations identified in the DWA Final Report section 3.1.2.

Section 3.1.2 *Technical Review of Stage 1 Servicing Strategy* provides its technical review of the Interim Wastewater Treatment System ('IWTS') reports, being the *Packaged Wastewater Treatment System Assessment Report* (Aerofloat, 2020) and the Land Capability Assessment ('LCA') (SEEC, 2020).

Table 2 of the DWA Final Report summarises its key observations of the LCA by SEEC. In response:

- The Applicant has sought and obtained a response by SEEC to these key observations – see **Attachment A** to this letter – and confirms its view that the methodology of the LCA is appropriate in the context of the IWTS being a temporary rather than permanent system.
- The Applicant has also obtained further correspondence from True Water Australia (letter dated 16 May 2022) confirming that the SEEC methodology and findings are appropriate in these circumstances – also at **Attachment A**. Importantly True Water Australia highlight that the application of *plant water requirement* is not considered appropriate as the proposed irrigation system will not service commercial cropping (agriculture) and will not provide long term turf irrigation. Irrigation will be for short term effluent dispersal.
- The Applicant has also engaged a 3rd and independent wastewater consultant to provide a review. At the time of writing this submission a formal response from this consultant was being prepared and this will be forwarded once received.

The Applicant believes that the aforementioned response by SEEC, correspondence from True Water Australia are clearly consistent with the conclusions reached by Water NSW and Wingecarribee Shire Council in granting development consent to construct and operate the IWTS to service Stage 1 of the Development.

Further to the above, the Applicant has obtained advice from Addisons (**Attachment B**) which considers the recommended condition of the DWA Final Report in respect to requiring the WICA licence prior to the issuance of the Stage 1 subdivision works certificate. In summary, it advises that such a condition is unreasonable and unnecessary for the following reasons:

- Such a restriction prevents any subdivision works whether they relate to the sewer component or not.
- Whilst there is a valid need to ensure future lots and homes are not sold or occupied without a sewer connection, this can be ensured by a restriction on the grant of a subdivision certificate and occupation certificates until the WICA licence is issued.
- The sewerage treatment plant has already been approved. The WICA licence application process is focussed more on the capability of the proposed licence holder rather than constructability and design.
- It has not been required on other projects.

In addition, True Water Australia – on behalf of the Applicant – has obtained advice from IPART – see **Attachment C** – which outlines:

- IPART does not have a strong preference about the sequencing of an applicant seeking development consent and a WIC Act licence.
- Having said that, one of the matters IPART considers in recommending whether to grant an application is the applicant's capacity to carry out the activities the licence would authorise in a way that does not present a significant risk of harm to the environment. Where those activities are the subject of an existing development consent, the conditions of the consent can be a useful resource for us to assess the risk of harm to the environment.

The development consent granted to DA 21/0772 for the IWTS was subject to Water NSW concurrence pursuant to the then *State Environmental Planning Policy (Sydney Water Drinking Catchment) 2011*. That concurrence required the following condition to form part of the Notice of Determination for the DA:

2. The Package Wastewater Treatment System (PWTS), including the effluent irrigation scheme shall be designed, located, and installed in accordance with the recommendations in the Package Wastewater Treatment System Assessment Report prepared by Aerofloat (Australia) Pty Ltd (dated 15 October 2020) and the Land Capability Assessment for Recycled Water Application prepared by Strategic Environmental and Engineering Consulting (dated 6 November 2020).

The stated reason for the imposition of this condition in the development consent is *to ensure that the package wastewater management system is appropriately designed, located and constructed to have a sustainable neutral or beneficial effect on water quality over the longer term.*

Accordingly, the conditional development consent already granted for the IWTS to service Stage 1 pending the availability of the upgraded MVSTP – in particular, the above condition 2 and reason for its imposition – is a useful resource available to IPART to assess the risk of harm to the environment.

b. Change of service provider to True Water Australia from the provider of the Package Wastewater Treatment System Assessment Report (Aerofloat, 2020).

A further issue raised at Section 3.1.2 relates to the applicability of the *Packaged Wastewater Treatment System Assessment Report* given that the Applicant has provided a letter from a different wastewater service provider, True Water Australia, which did not include any engineering or technical detail on the IWTS.

To clarify the Applicant's position, it has engaged True Water Australia to be the network operator for the approved sewerage treatment plant.

Administrative condition 1 of the development consent granted for DA 21/0771 for the Interim Wastewater Treatment System ('IWTS') requires the IWTS to be implemented in accordance with approved plans and supporting documents that include the *Packaged Wastewater Treatment System Assessment Report* (Aerofloat, 2020). At the time of preparing the development application the 'Aerofloat system' was the treatment system that was nominated and subsequently approved with the concurrence of Water NSW. The Applicant understands and accepts that requirement.

The proposed network operating arrangement does not diminish the ability to act in accordance with the development consent granted.

Conclusion

Taking into account the above, it is considered that:

- (i) There are no amendments necessary to the proposed arrangements for the stage 1 sewer service strategy.
- (ii) It is not necessary or reasonable to impose a condition of development consent to require a WICA licence prior to the issuance of the Stage 1 subdivision works certificate. Rather, a restriction on the grant of a subdivision certificate and occupation certificates until appropriate approvals to commence operation of the IWTS are in place would ensure future lots are not registered and homes not occupied without a sewer connection.

2. **Addendum to the Statement of Environmental Effects assessing the impact of any amendments arising from technical advice in point 1 above.**

Please refer to the addendum to the Statement of Environmental Effects accompanying this submission at **Attachment D**.

3. **Confirmation of verbal advice provided at the meeting in relation to sewer easements on private land and the proposed transition arrangements to the Council operated Moss Vale Treatment Plant once constructed**

As advised at the SRPP Panel briefing:

- the location of the sewer easements on private land is in line with standard practice and more importantly Council's requirements.
- Council has specific standard wording for the terms of easements covering this sewer infrastructure. For the interim period that sewage for the Stage 1 residential lots will be managed by the IWTS there will be an easement on top of the proposed Council easement to allow the developer to maintain the infrastructure, with a sunset clause to remove it when the sewer is handed over to Council.

4. **Water and Sewer Infrastructure Staging Plan based on the draft terms of agreement letter from Wingecarribee Shire Council (WSC) dated 8 April 2022**

Please refer to the Water and Sewer Infrastructure Staging Plan accompanying this submission at **Attachment E**.

We would be grateful if this response can be provided to the SRPP as a matter of urgency to enable discussion and a closing out of the amendments requested as part of Panel discussions. Should you have any questions or require anything further please contact us.

Your sincerely,



Paul Hume
Senior Town Planner
Attachments