

16 May 2024

Bridie Riordan
Senior Development Assessment Planner
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

Dear Bridie

**DA/2022/1279/1 (Stages 2-3) & DA/2023/707/1 (Stage 4) – North Wilton
Adequate Arrangements for Water and Wastewater**

Reference is made to the Sydney Water letters dated 15 May 2024 in relation to Council's re-referral of DA/2022/1279/1 and DA/2023/707/1, otherwise known as Stages 2-3 DA and Stage 4 DA respectively. Council's re-referral was in response to a Planning Panel letter dated 22 April 2022 which requested the Council 'update' their recommendation in relation to whether adequate provision has been made for wastewater servicing based on a letter from Sydney Water issued on 10 April 2024 which outlined a very brief and unclear update of servicing across Wollondilly.

Landcom wishes to provide a formal response to Council in relation to water and wastewater servicing relevant to Stages 2-3 and Stage 4.

The Sydney Water re-referral letters outline in summary:

- A Service Delivery Agreement (which was endorsed by Landcom's Board) is under consideration that envisaged a 620 residential lot capacity.
- Despite the SDA covering 620 lots, the potable water and recycled water servicing is currently capped by Sydney Water at 515 lots. Stage 1 and Stage 4 are covered, with 215 lots covered under Stages 2-3 and the remainder (103 lots) would be covered once the South-East Wilton reservoir as part of Wilton New Town Stage 1 infrastructure works has been delivered by Sydney Water.
- The Wilton New Town Stage 1 trunk assets including the Bingara Gorge Treatment Plant upgrade for wastewater servicing is timed to be delivered in 2027.
- Noted to work with Sydney Water on an Interim Operating Procedure (IOP) as a servicing solution until the wastewater infrastructure upgrades are complete. (Note: whilst this was mentioned for Stages 2-3 in both letters, we believe they also mean Stage 4 as well, considering they acknowledge Stage 4 is next in the program – see further below).
- Recommended Council to insert the requirement of a Sydney Water Section 73 Compliance Certificate as a condition as part of the determination.

It is noted that their letter is clear in that Sydney Water is not a concurrence authority under the *Environmental Planning and Assessment Act 1979* or any other relevant legislation. The letter recommends conditions to be included in the consent including that Section 73 Compliance Certificates be issued by Sydney Water prior to Subdivision Certificate is issued. Without Subdivision Certificate, we cannot register the land and ensure settlements occur. The inclusion of the Section 73 condition is clearly the most appropriate mechanism for a DA determination regarding Sydney Water servicing.

The above is no less than what other developments have experienced within Wollondilly and yet there are precedents in that these DAs have been approved.

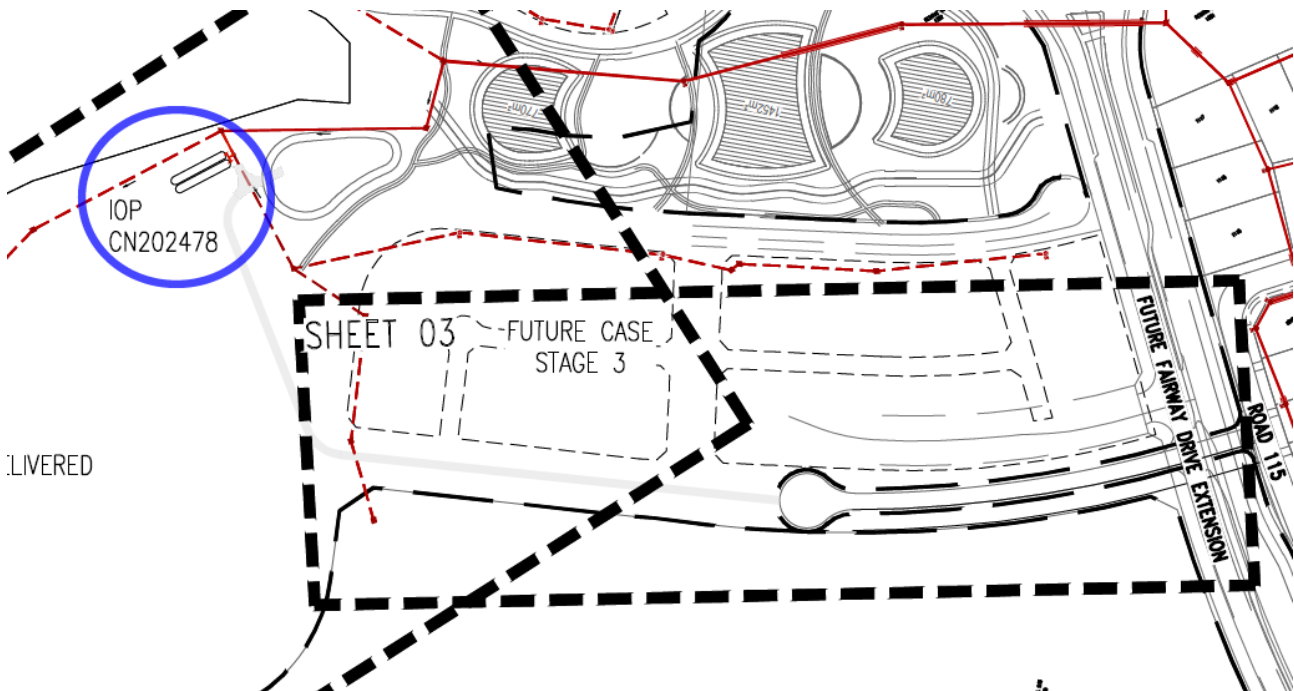
Stage 4 and Stages 2-3 are intended to follow a similar process to Stage 1 to ensure that an interim solution can be delivered prior to delivery of the required permanent infrastructure. Notwithstanding this, it is currently programmed for Stage 3 to be delivered at the same time the eventual upgrade to Bingara Gorge, and the reservoir are to be completed.

Regarding the IOP process, this generally starts once a DA has been determined or near determination and we work backwards in terms of program, taking into account when our settlements are required and when the first house constructions are expected to commence following settlements.

With Stage 1:

- Sydney Water have already issued Section 73 for Stage 1 and they would not have issued it without servicing arrangements in place, including the IOP. We went through a Part 5 REF and detailed design process with Sydney Water for that.
- The IOP system has been manufactured and assembled by Aquatec.
- TRN, our civil contractor has commenced construction for the pit of the IOP as well as the temporary lead in road (extending off road 100 approved under Stage 1). The continuation of the lead in sewer for the IOP will be completed by the start of July 2024 based on current program.
- Settlement of Stage 1 lots will be achieved at the end of June 2024.
- The IOP will be connected and ready to accept first flows before first house construction.
- The IOP has been sized to take flows from Stage 4 as well.
- New house construction and as such when connections to the system are expected to commence at the earliest in October / November 2024 (pending DA or CDC approval timeframes following settlements).

Figure 1: Plan showing location of IOP system for Stage 1



It is noted that Stage 4 already has a Notice of Requirements (anticipated requirements for a Section 73 Certificate) that has been issued by Sydney Water and a Deed already executed between Sydney Water, Landcom and our Water Services Coordinator (Stantec) to progress with the design and delivery of the infrastructure required for Stage 4. Once the Stage 4 DA is approved, we will be lodging the application with Sydney Water to approve the use of the Stage 1 IOP, noting it has been sized for Stage 4 as well.

We will do the same with Stage 2-3 once the time comes in accordance with our program.

As noted above, a Service Delivery Agreement (SDA) with Sydney Water endorsed by the Landcom Board was to provide for 620 residential lots being serviced for potable water, sewer and recycled water (to cover Stages 1-4). However, the SDA requires further negotiation as noted by Sydney Water's comments on Potable and Recycled Water being capped at 515 lots. The contents of the SDA that was being negotiated involved significant forward funding from Landcom as well as carrying out infrastructure works. No further details can be provided as given it is still under negotiation, being a commercially sensitive matter, however Landcom is committed to finding ways to deliver much needed infrastructure in the area.

Further we are:

- In regular dialogue with Sydney Water, whether it is with their executives, the various teams within the organisation such as the Developer Partnerships, and Growth Planning Teams. We have an Account Manager from Sydney Water that has been assigned to North Wilton matters as well.
- Investigating alternative options/private servicing providers in the background (noting there are early discussions and we will be dealing with this appropriately should this ever come to fruition).

As such, Council and the Planning Panel can be re-assured that we are making all efforts to ensure the appropriate water infrastructure available for future development within North Wilton.

In relation to timings, Landcom's delivery timings at a high level are as follows:

1. Stage 1 – prior to June 2024
2. Stage 4 – prior to June 2025
3. Stage 2* – prior to June 2026
4. Stage 3* – prior to June 2027

*Note the staging may change

We anticipate that when the ultimate infrastructure is delivered in 2027 that this will align with being able to deliver the future stages of North Wilton. In relation to Stage 5 that is currently forming part of amended Neighbourhood Plan 1, we note this is outside of the SDA with Sydney Water and would need the upgraded Bingara Plant and new reservoir infrastructure, or a change to the SDA, or an alternative provider, to be developed.

Below is the table from the Sydney Water replicated to provide exact numbers based on the most current figures:

North Wilton Stages	Landcom Development order	Number of Residential lots proposed	Water Capacity (515) allocation	Wastewater Capacity SDA (620) allocation
Stage 1 (DA/2019/617/1) Approved	Tier 1	197	197	197 (IOP in flight)
Stage 4 (DA/2023/707/1) Re-referral under review	Anticipated Tier 2	103	103	103 Subject to 2027 timeframe (currently exploring IOP with Sydney Water)
Stage 2 and 3 (DA/2022/1279/1) Re-referral under review	Anticipated Tier 3	318	215 +103 (post reservoir c2027)	318 Subject to 2027 timeframe (to explore IOP with Sydney Water)
Sub total		618		

Stage 5 (Amendment to the North Wilton Neighbourhood Plan) under review	Anticipated Tier 4	160	0 not in any current allocation	0 not in any current allocation
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Section 7.1 of Appendix 8 of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* is laid out as follows:

- (1) *Development consent must not be granted for development on land to which this Precinct Plan applies unless the council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*
- (2) *This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.*
- (3) *In this section, **public utility infrastructure** includes infrastructure for any of the following—*
 - (a) *the supply of water,*
 - (b) *the supply of electricity,*
 - (c) *the disposal and management of sewage.*

Section 7.1 of the SEPP requires **Council**, (not the determining authority) to be satisfied that any public utility infrastructure that is essential for the proposed development is available or that **adequate arrangements have been made to make that infrastructure available when it is required.**

We trust the contents of this letter is more than sufficient for Council in demonstrating that there are adequate arrangements being made for the supply of water and sewer for Stages 2-3 and Stage 4 DAs based on their anticipated delivery timeframes, and that the conditioning of requiring a Section 73 Certificate prior to issue of Subdivision Certificate would be more than satisfactory in dealing with this matter.

Despite the Planning Panel's assumption in their letter of 22 April 2024 noting there 'likely to be substantial problems...at least until 2027, and possibly out to 2032', this letter has clarified a few facts with Council. Landcom notes that the original letters that Sydney Water provided when the DAs were referred outlined that wastewater servicing was delayed until 2027. This was discussed with the Panel, Council and Landcom during the Site Visit on 6 November 2023 where the inclusion of a condition requiring Section 73 Certificate was confirmed by Council being the most appropriate mechanism.

As such, this matter should not be holding up both DAs any longer and we request that Council urgently responds to the Planning Panel's letter to ensure the determinations of both Stages 2-3 and Stage 4 as soon as possible.

Should you have any questions, please do not hesitate to contact myself on 0436 636 796 or Emily Hou on 0460 021 329.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line that ends in a small loop.

Jeff Williams
Development Director