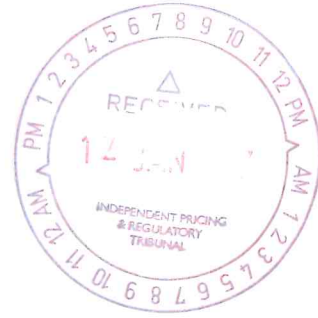




## The Hon Niall Blair MLC

Minister for Primary Industries  
Minister for Lands and Water



IM16/31720

Your ref: D16/26123

Mr Hugo Harmstorf  
Chief Executive Officer  
Independent Pricing and Regulatory Tribunal  
PO Box K35, Haymarket Post Shop  
SYDNEY NSW 1240

Dear Mr Harmstorf

*Hugo*

Thank you for your invitation of 9 November 2016 to make a submission on the application by Flow Systems Operations Pty Ltd for a network operator's licence and by Flow Systems Pty Ltd to vary their retail supplier's licence under the *Water Industry Competition Act 2006* (WICA).

It is understood that the WICA licence application is proposed for the construction, maintenance and operation of water infrastructure to supply water and sewerage services to the Shepherds Bay development in Meadowbank, Sydney.

Under the *Water Management Act 2000* (WMA), water extractions from a water source must be covered by an appropriate water access licence and approval, a basic landholder right, or a relevant exemption. The taking of treated waste water, potable water from another utility or harvesting rainwater from rooftops falls outside the definition of State's water rights in the WMA. This means that if the development only sources water in this way then there is no requirement for a water access licence or approval under the WMA.

If the development will source water in any other way, then a water access licence and approval will be required unless the extraction is covered by a basic landholder or harvestable right.

A controlled activity approval may also be required if a specified controlled activity will be carried out in, on or under waterfront land. A controlled activity includes the erection of a building or carrying out of a work, the removal of material or vegetation from land, the deposition of material on land and carrying out any other activity that affects the quantity or flow of water in a water source. Waterfront land is defined as the bed of any river, lake or estuary and any land within 40 metres of the river bank, lake shore or estuary mean high water mark.

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If the applicant requires additional information in relation to a water access licence, water supply work or controlled activity approvals, please contact Ms Irene Zinger, A/Manager Water Regulation (Metro), on [REDACTED]

If you have any further enquiries please contact Mr Mark Harris, Manager Rural Water Policy on [REDACTED]

Yours sincerely - 6 JAN 2017

[REDACTED]

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Minister for Primary Industries  
Minister for Lands and Water**