

21 September 2004

Mr David Evans  
Managing Director  
Sydney Water  
PO Box A53  
Sydney South NSW 1232

Dear Mr Evans

**Services Sydney applications under *Part IIIA of the Trade Practices Act 1974***

Thank you for your letter of 16 September 2004 in which you outline Sydney Water's preferred approach to responding to the Council's draft recommendation on the above matter. Your letter seeks an extension of the deadline for submissions from 24 September 2004 to 30 November 2004, to allow Sydney Water to stagger its submissions to the Council's draft recommendation and to IPART's current regulatory process. You also note that an extension would allow stakeholders to take account of the impending announcements by the NSW Government regarding a Metropolitan Water Strategy in preparing responses to the Council's draft recommendation. Your letter suggests that an extension to 30 November would provide for procedural fairness to Sydney Water and an absence of prejudice to Services Sydney.

Services Sydney objects to an extension and, among other points, notes that the IPART processes have been underway for some time and that your company is not without resources to deal with more than one matter at a time. Services Sydney also note that your request for an extension to the timetable set by the Council has only been made at a late stage and, rather than seeking to file specific material after the deadline, you have sought a general extension of time.

The Council's consultation processes have offered significant opportunity for parties to make submissions. Six weeks was allowed for submissions to the Council's draft recommendation, which was issued on 12 August 2004. Previously, the Council's issues paper (released in April 2004) allowed stakeholders to comment on issues canvassed in that paper and indeed any other matters they considered critical. The scope of the issues in the draft recommendation is similar to that in the issues paper.

While I appreciate Sydney Water's position, I do not agree that the requested extension is necessary for procedural fairness or that such a delay would not be prejudicial to the applicant or other parties with an interest in this matter. The Council is willing to extend the deadline for submissions but not to the extent sought.

The Council will allow an extension to close of business Friday 5 November 2004. However, if Sydney Water intends to raise significant new issues not

canvassed in the Council's draft recommendation as a part of its submissions, the Council expects that a synopsis of these will be provided to it by 24 September.

The Council will shortly notify interested parties of this extension.

Yours sincerely

**John Feil**  
**Executive Director**