

19 May 2017

WHAT

IPART recommends whether or not a water utility should be granted a network operator's licence, and the conditions of that licence. Our recommendation goes to the Minister for Energy and Utilities, who - under the WIC Act¹ - ultimately decides whether or not to grant the licence.

One of the things we consider is the environmental impact of the utility's proposed infrastructure during construction, operation and maintenance.

This fact sheet describes how we consider the environmental impact. It is for information only and does not provide legal advice

HOW

In many cases, development involving water industry infrastructure can only start once the Minister grants a network operator's licence and the development has approval under the *Environmental Planning and Assessment Act 1979* (EP&A Act). In those cases:

- ▼ we assess the environmental impacts of the development under the WIC Act, and
- ▼ an approval body, such as a local council or the Minister for Planning, assesses the environmental impacts of the development under the EP&A Act.

For our assessment, we consider information such as:

- ▼ environmental assessments and risk assessments provided by the licence applicant
- ▼ submissions received from the public and other stakeholders, and
- ▼ relevant approvals granted under legislation such as the EP&A Act.

In some cases, development works for the following infrastructure can be carried out without any approvals under the EP&A Act:

- ▼ sewerage reticulation infrastructure
- ▼ recycled water reticulation infrastructure, and
- ▼ sewage or recycled water treatment plants (on land in a prescribed land zoning).

In those cases, we assess the environmental impacts in more detail under the WIC Act. This assessment is not an environmental assessment under Part 5 of the EP&A Act.

WHAT NEXT

The Department of Planning and Environment is reviewing the legislative framework for environmental assessment of water industry infrastructure. We recently made this [submission](#) to the Department on the issue.

If you have any questions, please email compliance@ipart.nsw.gov.au.

¹ *Water Industry Competition Act 2006*.