

IRF19/7429

Ms Liz Livingstone
Chief Executive Officer
IPART

By email: wica@ipart.nsw.gov.au

Dear Ms Livingstone

Thank you for your letter to the Hon Rob Stokes MP, Minister for Planning and Public Spaces, regarding an application by Flow Systems Operations Pty Ltd for a variation to two of its network operator's licences and Flow Systems Pty Ltd for four variations to its retail supplier's license for the existing Box Hill North Scheme, Shepherds Bay Scheme, Central Park Scheme, and North Cooranbong Scheme. Your letter has been forwarded to the Department of Planning, Industry and Environment (the Department) for response.

To address the questions in your letter:

- 1. Have Flow Systems Operations Pty Ltd or Flow Systems Pty Ltd been subject to any of the following enforcement actions under the EP&A Act: negotiated outcome, warning letter, enforceable undertaking, order from the Minister, court order or successful prosecution? If so, please provide details of the enforcement action(s).***

A review of our records by the compliance team did not find any enforcement action(s) being undertaken or carried out against Flow Systems Operations Pty Ltd or Flow Systems Pty Ltd.

- 2. Do you consider that our understanding of the following approvals obtained under the EP&A Act (as outlined in Attachment A) is correct for the activities the network operator's licence variations (ie, Shepherds Bay Scheme) would authorise, if granted? If not, in your opinion, what approvals have been or are required to be obtained?***

I note Attachment A of your letter outlines the development approvals and modifications obtained under the EP&A Act.

With regard to the Shepherd's Bay Scheme, the then Planning and Assessment Commission approved the Concept Plan for the Shepherds Bay development in March 2013 following a recommendation being made by the Department. Please be advised City of Ryde Council is now the consent authority for each subsequent stage of the development. As the Department is not the consent authority for this application, it is advised that you consult with Council to confirm if the development approvals and modifications that are outlined in Attachment A have been obtained.

We further note that the license variation being applied for is to enable development for the purposes of a sewerage reticulation system. Appendix A of your letter notes the provisions of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), which classifies development for the purposes of a sewerage reticulation system as development permissible without consent (i.e. assessable under Part 5, Div 5.1 of the EP&A Act), where it consists of the construction or operation of water industry infrastructure and, under the Water Industry Competition Act 2006, a network operator's licence is required before the development may be carried out. The Department does not have any issues with the conclusion reached by IPART in relation to this matter.

3. Are you aware of any unacceptable risks to the environment posed by the activities to be licensed? If so, what are these risks?

Based on the information provided, the Department is unaware of any unacceptable risks.

4. If granted, should the varied network operator's and retail supplier's licences contain any specific conditions in relation to protection of the environment? If so, what conditions do you recommend?

The Department does not recommend any conditions.

If you have any more questions, please contact Mr Dominic Crinnion, Team Leader, at the Department on [REDACTED].

Yours Sincerely,

[REDACTED]

22/11/2019

Karen Harragon
Director

Social and Infrastructure Assessments