

From: [REDACTED]
To: [REDACTED]
Subject: A reply to your correspondence to the Minister for Energy and Environment – MD19/5284 (Your ref: D19/25891)
Date: Thursday, 21 November 2019 8:50:21 AM
Attachments: [REDACTED]

Dear Mr Luke

I refer to Ms Livingstone's letter to the Minister for Energy and Environment, the Hon Matt Kean MP, inviting submissions on variations to the following network operator's licences (NOL) and retail supplier's licences (RSL):

- Box Hill North Scheme in The Hills Shire Council local government area (NOL and RSL variations);
- Shepherds Bay Scheme in the City of Ryde local government area (NOL and RSL variations);
- Central Park Scheme in the City of Sydney local government area (RSL variation); and
- North Cooranbong Scheme in the Lake Macquarie City Council local government area (RSL variation).

Ms Livingstone's letter was referred to the Environment Protection Authority (EPA) and I have been asked to reply.

The EPA has reviewed the applications for these licence variations and does not consider that the proposed variations to the WICA licences pose any additional risk to the environment. Potential environmental risks of the North Cooranbong Scheme were assessed by the EPA during the variation to the NOL in December 2018. The EPA's letter to IPART dated 6 December 2018 (reference MD18/5140) outlined these risks.

The EPA is not aware of any breaches of the *Protection of Environment Operations Act 1997* (POEO Act) and has not taken any regulatory action against Flow Systems Pty Ltd or Flow Systems Operations Pty Ltd. The EPA recommends that IPART also consults with the relevant local councils as they are the appropriate regulatory authority for these schemes under the POEO Act.

With regards to IPART's query about requirements for approvals under the POEO Act, clause 36 of Schedule 1 states that an Environment Protection Licence (EPL) is required for sewage treatment that has a processing capacity that exceeds 2,500 persons equivalent or 750 kilolitres per day, whichever is the greater where there is the discharge or likely discharge of wastes or by-products to land or waters. It is the EPA's understanding that the proposed variations do not alter waste disposal methods to include discharge to waters or lands, therefore the situation remains unchanged and EPLs are not required.

IPART has asked whether the varied NOLs or RSLs should contain any specific conditions in relation to protection of the environment. The EPA has no recommended conditions relating to the environment that should be included in the NOLs. It is the opinion of the EPA that it is the responsibility of the proponent to ensure that all relevant environmental legislation is complied with and that the licensing implemented by IPART should not duplicate legislated environmental requirements.

If you have any further questions about the EPA's comments on the North Cooranbong Scheme variation, please contact Mr Mark Hartwell, Head Operations, Hunter South, EPA on [REDACTED] or [REDACTED]. For further queries on the EPA's comments on the other variations, please contact Ms Aleesha Rodgers, Regional Operations Officer, Metropolitan Infrastructure, EPA on [REDACTED].

JACINTA HANENMANN

**Regional Manager Operations – Metropolitan Infrastructure
Environment Protection Authority**

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