



Ryans

Barristers and Solicitors

OUR REF: 20/026 ER:ER
YOUR REF:

Independent Pricing and Regulatory Tribunal
New South Wales
P.O. Box K35
HAYMARKET POST SHOP 1240

BY EMAIL:

12 February 2020

Dear Sir,

**APPLICATION FOR LICENCE BY
KYEEMA WASTEWATER PTY LIMITED
GUNDAROO**

We act for a resident and a land owner in the Gundaroo District near the Yass River who are effected by the proposal for the treatment of waste water emanating from the Kyeema subdivision at Gundaroo and its effect upon the ground water and surface water. This submission is based upon three of the principles from section 7 of the *Water Industry Competition Act 2006* upon which the proposal must be assessed and the wider financial implications which should be part of the assessment being as follows:

- (a) the protection of public health, the environment, public safety and consumers generally;
- (b) ensuring sustanity of water resources;
- (f) the potential for adverse financial implications for small retail customers generally arising from the activities proposed to be covered by the licence;

AND the wider financial implications upon the whole community and not just the small retail customers and upon the effect of those activities in the wider community.

There is a great concern in the community for the effects upon the environment of the proposed development and the way in which it is proposed to treat its effluent. That concern is echoed downstream with the effect upon the movement of surface and ground water. The effects are likely to be far greater than the Gundaroo village and any contamination that moves into the water table is likely to affect many other landowners and residents in the district. There is no effect proposal to either treat the effluent or to prevent pollution.

There has already been E.coli detected in the Gundaroo village. If the effect of the licence as proposed were to transmit E.coli and other contamination into the surface and ground water in the district, then the landowners and residents would most likely have the grounds for a class action against both the Yass Valley Council, the developer, the treatment company and the individual lot owners in Kyeema.

There is no evidence of any expertise in the treatment company. In fact, it is the developer under a different corporate veil with a shareholding of only 100 shares of \$1.00 each held 50 by the husband, Alan Paul Carmody and 50 by his wife, Marjorie Paulene Carmody. A copy of the Current Company Extract is **enclosed**.

There is no security for the community, the landholders or the residents of the wider Yass Valley District that treatment company has the capacity, the expertise or the finance to manage the water issues to prevent a major pollution incident or constant degradation whether that be slow or fast. It does not meet the 7 principles for the assessment formulated by IPART or basic risk assessment. There are no safeguards in the proposal for bank guarantees or fidelity funds to fall back on. If pollution occurs and the treatment company goes into liquidation and the developer is wound up, then the result will fall upon the Yass Valley Council and the individual lot owners which in turn will be on all of the rate payers of the Yass Shire. The consequences are likely to be so dire, so expensive and probably unable to be rectified that large sections of the district will be rendered unsuitable for safe residence and for agriculture – by contamination of water, pasture and stock that the losses will force land owners to a class action to seek compensation. Water pollution is detectable in both plants and livestock and it would render the farm products and livestock unsaleable. What is the point of the bio security requirements upon farmers when there can be unrestricted release of sewerage contaminants in floods and a constant slow release in between times and inadequate systems to analyse the source of the contamination from any particular lot.

There is no guarantee that if the contamination enters the water table, the pollution will be remain to the Yass Valley. It is likely to move further. Who will pay for the restoration then?

We wish to advise you that this is letter will be used in any litigation that follows if the proposal is approved.

Yours faithfully,



Eunice Ryan
RYANS