



Our reference: MD14/4666

Ms Pamela Soon
Acting Chief Executive Officer
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB POST OFFICE NSW 1230

Dear Ms Soon

I refer to your letter to the Minister for the Environment, Rob Stokes MP, inviting submissions on the application by Huntlee Water Pty Ltd for a network operator's licence under the *Water Industry Competition Act 2006* (WICA). Your letter was referred to the Environment Protection Authority (EPA) and I have been asked to reply.

The EPA understands that the granting of a network operator's licence under WICA entitles the licensee to carry out development in accordance with the *State Environmental Planning Policy (Infrastructure) 2007* and Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which is normally reserved for public authorities. The EPA also understands that the WICA licence needs to be granted before a Part 5 assessment could take place.

The determining authority for an activity under Part 5 of the EP&A Act is generally the public authority carrying out the activity. The determination of which party is the determining authority, in accordance with Part 5 of the EP&A Act, is a matter for IPART and the proponent. The EPA does not have a statutory role in a Part 5 assessment, but is however willing to provide specialist environmental advice on the proposal if requested by the determining authority.

In relation to the Huntlee Water Scheme, the EPA considers that it is appropriate to wait for the determining authority to request assistance with their determination of a Part 5 assessment before the EPA makes comment.

Based on the information provided, the applicant will require an environment protection licence for the scheduled activity of 'sewage treatment' in accordance with the *Protection of the Environment Operations Act 1997* (POEO Act). Section 45 of the POEO Act details the matters to be considered by the EPA in assessing applications for an environment protection licence.

It is noted that any application for an environment protection licence will need to be considered on its merits in accordance with the requirements of the POEO Act.

It is also noted that Huntlee Water Pty Ltd is entitled to make application for development consent via Part 4 of the EP&A Act, regardless of whether a WICA licence is granted. The Act provides that sewerage systems may be both designated and integrated development. Integrated development applications are assessed by the EPA to ensure that the development consent is consistent with the general terms of any environment protection licence issued by the EPA.

If you have any further questions on this matter please contact the EPA Newcastle Office on 4908 6800 or by email at hunter.region@epa.nsw.gov.au.

Yours sincerely

CARMEN DWYER
Acting Director North East
Environment Protection Authority