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Rob O'Neill
General Manager, Water & Energy Licensing & Compliance
IPART
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Our ref: PMU049010

Dear Mr O'Neill

RE: IPART Issues Paper - Review of WaterNSW's Operating Licence

I refer to your email dated 23 June 2016, inviting submissions on the Issues Paper and associated documents. The Department has undertaken a review of the Issues Paper, and can provide comment on the matters relevant to the Department as detailed below.

Chapter 7: Construct, operate and maintain water management works

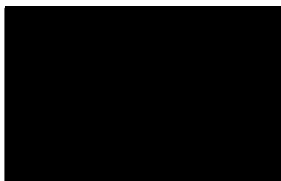
23. Should the operating licence(s) authorise WaterNSW to construct, operate and maintain its water management works? If authorised, what terms and conditions should the operating licence(s) include that require WaterNSW to undertake this function?

It should be clear that licences do not override the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) or associated environmental planning instruments (EPIs). As such, any licences issued need to comply with the provisions of any relevant EPIs. This includes whether development approval is required or exempt or complying provisions apply.

Further, should WaterNSW issue a licence for water management works on a site subject to approval by a separate approval body, it should ensure that any terms or conditions applied to that licence would not conflict with the conditions of approval or cause instances resulting in non-compliances.

I hope this information is of assistance, should you wish to discuss this matter further, please contact Alix Carpenter on [REDACTED] or via [REDACTED]

Yours sincerely



Karen Harragon
Director
Social and Other Infrastructure Assessments