

Water Industry Competition Act 2006

Schedule 4, clause 10

Notice of decision – Grant of operational approval

Approval No. 25_0480A

The Independent Pricing and Regulatory Tribunal (**IPART**) grants an operational approval for the Kooragang Industrial Water Scheme (**KIWS**) under Schedule 4, clause 10(1) of the *Water Industry Competition Act 2006* (**Act**).

The operational approval takes effect on 1 March 2025.

In considering whether to grant the operational approval and what conditions to impose on the approval, IPART had regard to the objects in sections 2A and 5A of the Act.

IPART is satisfied that a last resort provider has been designated for the essential service provider (registered operator) of the KIWS to which the operational approval applies by order in the Gazette No. 3 of 10 January 2025 to take effect on 1 March 2025.

The operational approval is attached.

4/02/2025

X 

Signed by: Kelly.Kwan@ipart.nsw.gov.au

Kelly Kwan

Executive Director, Regulation & Compliance

As the delegate of the Independent Pricing and Regulatory Tribunal



Operational Approval

*Water Industry Competition Act 2006
(NSW)*

Operational Approval no. 25_0480A
Kooragang Industrial Water Scheme

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Operational Approval

APPROVAL AUTHORISATION TABLE

Scheme name (the Act, s 7F(2)(a))	Kooragang Industrial Water Scheme
Approval number	25_048OA
Related scheme approval (the Act, s 7F(2)(a))	25_032SA
Version history	Current approval in force since: 1 March 2025. Details about grant, variation, replacement, cancellation or surrender of this approval are set out in Schedule A.
Regulated scheme (retailer required)	No
Staged scheme (the Act, s 7F(2)(c))	No
Authorised purposes for drinking water infrastructure (the Act, s 7F(2)(b))	Not authorised.
Authorised purposes for sewerage infrastructure (the Act, s 7F(2)(b))	Not authorised.
Authorised purposes for recycled water infrastructure (the Act, s 7F(2)(b))	Production of recycled water from recycled water. Treatment of recycled water. Filtration of recycled water. Storage of recycled water. Conveyance of recycled water. Supply of recycled water to customers.

Approval Terms

1. Grant and authorisation

- 1.1 The Independent Pricing and Regulatory Tribunal grants this approval under the Act, Schedule 4, clause 10(1).

Note: This approval is deemed to be an approval granted under section 7B of the Act.

- 1.2 This approval authorises the registered operator to operate the authorised infrastructure for the authorised purposes in accordance with the specifications set out in this approval.

Note: This clause authorises the registered operator to carry out certain activities that would otherwise be prohibited under section 6A of the Act. This authorisation does not provide an exemption from obligations under other laws unless expressly provided by those laws.

2. Approval conditions

- 2.1 The authorisation in this approval is subject to the standard approval conditions specified in Schedule C, Item C2 and the special approval conditions specified in Schedule C, Item C3.

Note: The Act and Regulations contain additional conditions.

3. Interpretation

- 3.1 Expressions used in this approval that are defined in the Act or Regulations have the meanings set out in the Act or the Regulation unless the context otherwise requires.

- 3.2 In this approval, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa,
- (b) a reference to this approval includes any schedule to this approval,
- (c) a reference to a schedule is to a schedule to this approval, and
- (d) explanatory notes and headings do not form part of this approval, but in the case of uncertainty may be relied on for interpretation purposes.

- 3.3 In this approval:

Act means the *Water Industry Competition Act 2006*.

authorised infrastructure means the water industry infrastructure specified in the related scheme approval.

authorised purposes mean the purposes specified for the relevant infrastructure in the final column of the approval authorisation table.

Regulations means any regulations made under the Act.

related scheme approval means the scheme approval identified as such in the final column of the approval authorisation table.

Schedule A Version History

Current approval in force since	1 March 2025
Original grant date	4 November 2022
Transition date	Transitioned approval, granted under the Act, Schedule 4, cl. 10(1): 1 March 2025
Variation history	Varied under the Act, s. 7K(6) on: Not applicable Approval of commercial operation of new infrastructure granted under the <i>Water Industry Competition (General) Regulation 2021</i> , Schedule 1, cl. 2 (now repealed): Not applicable
Replacement history	Not applicable
Cancellation or surrender	Not applicable

Schedule B Staged scheme

Item B1 Authorised Stage

Not applicable.

Schedule C Approval conditions

Item C1 Interpretation

If any condition, or part of any condition, is unlawful, that condition, or part of the condition, is severable and does not affect the validity of the approval or the balance of the conditions or condition.

Item C2 Standard approval conditions

C2.1 Limitations on which infrastructure may be operated

2.1.1 The registered operator must operate only that authorised infrastructure which is either:

- (a) existing infrastructure; or
- (b) infrastructure that extends or expands existing infrastructure, but only if the infrastructure:
 - (i) involves the same technology as that used in connection with the existing infrastructure, and
 - (ii) is consistent with any applicable asset management plan or system, water quality management system, and sewage management plan or system for the existing infrastructure; and
 - (iii) is in the area of operations specified in Schedule H of the related scheme approval; and
 - (iv) is located in the location specified in Schedule I of the related scheme approval, unless the infrastructure is pipelines within the reticulation network.

2.1.2 In this condition C2.1, **existing infrastructure** means that authorised infrastructure which existed at 4 November 2022.

Item C3 Special approval conditions

C3.1 Permitted end-uses for recycled water

3.1.1 The registered operator must ensure water industry infrastructure for the scheme supplies recycled water to customers for only the permitted end-uses specified in Table C3.1 below.

Table C3.1

1. Industrial purposes including cleaning, wash down, cooling tower make up and dust suppression
2. Fire fighting

C3.2 Environmental risk mitigation measures

3.2.1 The registered operator must implement environmental risk mitigation measures substantially consistent with the environmental risk mitigation measures identified in the REF where the registered operator carries out any activities authorised by this approval.

3.2.2 In this condition C3.2, **REF** means the documents titled:

(a) "*Kooragang Industrial Water Scheme (KIWS) Review of Environmental Factors*", Final, prepared by SKM and dated September 2011; and

(b) "*Kooragang Industrial Water Scheme Addendum Review of Environmental Factors*", Final, prepared by Hunter Water Australia and dated May 2013;

and does not include any modified version of those documents or any documents replacing them.

C3.3 [Not applicable]

C3.4 [Not applicable]