

***Water Industry Competition Act 2006***  
**Schedule 4, clause 10**  
**Notice of decision – Grant of operational approval**  
**Approval No. 25\_0490A**

The Independent Pricing and Regulatory Tribunal (**IPART**) grants the operational approval for the Gundaroo scheme 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 Gundaroo scheme 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.

23/01/2025

X 

Signed by: [carmel.donnelly@ipart.nsw.gov.au](mailto:carmel.donnelly@ipart.nsw.gov.au)

**Carmel Donnelly PSM**  
**Chair**

On behalf of the Independent Pricing and Regulatory Tribunal



# Operational Approval

*Water Industry Competition Act 2006  
(NSW)*

Operational Approval no. 25\_049OA  
Gundaroo

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## Operational Approval

### APPROVAL AUTHORISATION TABLE

|   |  |
|---|--|
| <b>Scheme name</b><br>(the Act, s 7F(2)(a))   | Gundaroo   |
| <b>Approval number</b>  | 25_049OA   |
| <b>Related scheme approval</b><br>(the Act, s 7F(2)(a))                               | 25_033SA   |
| <b>Version history</b>  | Current approval in force since: 1 March 2025.<br><br>Details about grant, variation, replacement, cancellation or surrender of this approval are set out in Schedule A.   |
| <b>Regulated scheme (retailer required)</b>   | Yes  |
| <b>Staged scheme</b><br>(the Act, s 7F(2)(c))   | No   |
| <b>Authorised purposes for drinking water infrastructure</b><br>(the Act, s 7F(2)(b)) | Not authorised   |
| <b>Authorised purposes for sewerage infrastructure</b><br>(the Act, s 7F(2)(b))       | Production of treated effluent from sewage.<br>Treatment of sewage.<br>Filtration of sewage.<br>Storage of sewage.<br>Conveyance of sewage.<br>Disposal of treated effluent to the irrigation area (no secondary purpose or permitted end-uses). |
| <b>Authorised purposes for recycled water infrastructure</b><br>(the Act, s 7F(2)(b)) | Not authorised   |

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# 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

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

|  |  |
|--|--|
| <b>Current approval in force since</b> | 1 March 2025   |
| <b>Original grant date</b>             | 25 September 2020  |
| <b>Transition date</b>                 | Transitioned approval, granted under the Act,<br>Schedule 4, cl. 10(1):<br><br>1 March 2025  |
| <b>Variation history</b>               | Varied under the Act, s. 7K(6) on:<br><br>Not applicable<br><br>Approval of commercial operation of new<br>infrastructure granted under the <i>Water<br/>Industry Competition (General) Regulation 2021</i> ,<br>Schedule 1, cl. 2 (now repealed):<br><br>21 December 2021 |
| <b>Replacement history</b>             | Not applicable   |
| <b>Cancellation or surrender</b>       | Not applicable   |

## Schedule B Staged scheme

### Item B1 Authorised Stage

Not applicable.

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## 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 27 October 2021.

### Item C3 Special approval conditions

#### C3.1 [Not applicable]

#### 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 document titled "*Review of Environmental Factors – Part 5 EP&A Act 1979*", version 2, prepared by Nation Partners Pty Ltd on behalf of Kyeema Wastewater Pty Ltd and dated 21 February 2020 and does not include any modified version of that document or any documents replacing it.



### C3.3 Management of designated irrigation areas

3.3.1 [Not applicable]

3.3.2 The registered operator must:

- (a) monitor the condition of soil in designated irrigation areas in accordance with the IMP;
- (b) report to IPART:
  - (i) any deterioration to soil conditions; and
  - (ii) details of the measures that the registered operator will take to mitigate that soil deterioration; and
- (c) implement the measures to mitigate soil deterioration notified to IPART under paragraph (b).

3.3.3 The registered operator must maintain records of its activities under this condition C3.3 including the results of its monitoring activities and implementation of measures to mitigate soil deterioration.

3.3.4 In this condition C3.3:

- (a) **designated irrigation areas** means the areas identified as the 'treated effluent irrigation area' in the IMP,
- (b) **IMP** means the *Kyeema Water Irrigation Management Plan, Version 2*, prepared by Nation Partners Pty Ltd, dated 12 June 2024.