



Network Operator's Licence
Water Industry Competition Act 2006

Licensee: ALTOGETHER DISCOVERY
POINT PTY LTD

ACN: 142 392 541

Licence #: 13_025

This licence was issued to Discovery Point Water Pty Ltd in 2013.
Discovery Point Water Pty Ltd was renamed Altogether Discovery Point
Pty Ltd in 2021.

References in the licence to Discovery Point Water Pty Ltd should be
read as references to Altogether Discovery Point Pty Ltd.

Issued by: The Minister administering the *Water
Industry Competition Act 2006*

Issued on: 4 December 2013

Varied on: 14 August 2020



NEW SOUTH WALES GOVERNMENT

Water Industry Competition Act 2006 (NSW)

Network operator's licence

Licence no. 13_025

Discovery Point Water Pty Ltd

(ACN 142 392 541)



New South Wales

Water Industry Competition Act 2006 (NSW)

Section 15

**Notice of Decision -
Variation of Network Operator's
Licence No. 13_025**

I, The Hon. Melinda Pavey, Minister for Water, Property and Housing, have decided to amend Discovery Point Water Pty Ltd (ACN 142 392 541) licence number 13_025 (**Licence**) under section 15 of the *Water Industry Competition Act 2006 (NSW)* (**Act**). The reasons for my decision are set out below.

I have considered and accepted the Independent Pricing and Regulatory Tribunal (**IPART**)'s advice and recommendations in its report to me on the 5-year review of the licence. I attach IPART's report (**Attachment A**).

I have also had regard to the licensing principles set out in section 7 of the Act in considering whether or not to amend the licence conditions and what conditions should be imposed on the Licence.

I attach the Licence, as varied (**Attachment B**).

The Hon. Melinda Pavey, MP
Minister for Water, Property and Housing

Dated this **14** day of **August** 20**20**

PRELIMINARY

1. Summary

- 1.1. This Licence is granted under section 10(1) of the Act.
- 1.2. The Act prohibits a person from constructing, maintaining or operating any water industry infrastructure otherwise than under the authority of a licence. This Licence authorises the Licensee and other Authorised Persons to carry out such activities that would otherwise be prohibited under the Act.

2. Outline

- 2.1. This Licence is divided into the following sections and schedules:

Section 1 authorises the construction, maintenance and operation of water infrastructure for non-potable water (if applicable).
Section 2 authorises the construction, maintenance and operation of water infrastructure for drinking water (if applicable).
Section 3 authorises the construction, maintenance and operation of sewerage infrastructure (if applicable).
Schedule A sets out special Ministerially-imposed licence conditions that are specific to this Licence.
Schedule B sets out Ministerially-imposed licence conditions that generally apply to network operators' licences granted under the Act.
Schedule C sets out definitions and interpretation provisions.

- 2.2. In addition to the conditions in Schedules A and B to this Licence, the Act and Regulation also contain conditions that apply to this Licence. Nothing in Schedules A or B modify or affect the conditions imposed on this Licence by the Act or Regulation.

SECTION 1 – ACTIVITIES AUTHORISED: NON-POTABLE WATER

Subject to the conditions imposed by the Act, the Regulation and Schedules A and B of this Licence, this Licence authorises the Licensee and any Authorised Persons specified in Table 1.1 to construct, maintain and operate the water industry infrastructure specified in Table 1.2:

- a) for one or more of the purposes for water industry infrastructure specified in Table 1.2;
- b) for the authorised purposes specified in Table 1.3; and
- c) within the area of operations specified in Table 1.4.

The non-potable water supplied by means of the water industry infrastructure specified in Table 1.2 may only be used for the authorised purposes for non-potable water specified in Table 1.3.

Table 1.1 Authorised Persons

Flow Systems Pty Ltd (ABN 28 136 272 298)
Permeate Partners Pty Ltd (ABN 54 130 112 257)

Table 1.2 Water industry infrastructure and purposes for water industry infrastructure

Infrastructure for the production, filtration, treatment, storage, transport and reticulation of non-potable water.

Table 1.3 Authorised purposes for non-potable water

Toilet flushing, unrestricted irrigation, clothes washing, car washing, general wash-down and water features (landscape architecture).

Table 1.4 Area of operations

The land the subject of the approval granted on 5 May 2011 under section 75O of the Environmental Planning and Assessment Act 1979 (NSW) by the Director-General, Department of Planning & Infrastructure for application Major Project MP 10_0003; and

The land the subject of the approval granted on 19 March 2012 under section 75J of the Environmental Planning and Assessment Act 1979 (NSW) by the Deputy Director General, Development Assessment and Systems Performance, Department of Planning & Infrastructure for application Major Project MP 10_0030.

SECTION 2 – ACTIVITIES AUTHORISED: DRINKING WATER

Subject to the conditions imposed by the Act, the Regulation and Schedules A and B of this Licence, this Licence authorises the Licensee and any Authorised Persons specified in Table 2.1 to construct, maintain and operate the water industry infrastructure specified in Table 2.2:

- a) for one or more of the purposes for water industry infrastructure specified in Table 2.2;
- b) for the authorised purposes specified in Table 2.3; and
- c) within the area of operations specified in Table 2.4.

Table 2.1 Authorised Persons

Flow Systems Pty Ltd (ABN 28 136 272 298) Discovery Point Pty Ltd (ABN 12 102 882 342)

Table 2.2 Water industry infrastructure and purposes for water industry infrastructure

Infrastructure used for the conveyance or reticulation of drinking water.

Table 2.3 Authorised purposes for drinking water

Drinking water and other purposes for which drinking water could be used safely.
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Table 2.4 Area of operations

The land the subject of the approval granted on 5 May 2011 under section 75O of the Environmental Planning and Assessment Act 1979 (NSW) by the Director-General, Department of Planning & Infrastructure for application Major Project MP 10_0003; and The land the subject of the approval granted on 19 March 2012 under section 75J of the Environmental Planning and Assessment Act 1979 (NSW) by the Deputy Director General, Development Assessment and Systems Performance, Department of Planning & Infrastructure for application Major Project MP 10_0030.
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SECTION 3 – ACTIVITIES AUTHORISED: SEWERAGE SERVICES

Subject to the conditions imposed by the Act, the Regulation and Schedules A and B of this Licence, this Licence authorises the Licensee and any Authorised Persons specified in Table 3.1 to construct, maintain and operate the water industry infrastructure specified in Table 3.2:

- a) for one or more of the purposes for water industry infrastructure specified in Table 3.2;
- b) for the authorised purposes specified in Table 3.3; and
- c) within the area of operations specified in Table 3.4.

Table 3.1 Authorised Persons

Flow Systems Pty Ltd (ABN 28 136 272 298) Permeate Partners Pty Ltd (ABN 54 130 112 257)

Table 3.2 Water industry infrastructure and purposes for water industry infrastructure

Infrastructure for the collection, filtration, treatment, storage, conveyance and disposal of sewage.

Table 3.3 Authorised purposes for sewerage

Sewerage collection, transport and treatment Effluent disposal to sewer and effluent transfer to non-potable water system.

Table 3.4 Area of operations

The land the subject of the approval granted on 5 May 2011 under section 75O of the Environmental Planning and Assessment Act 1979 (NSW) by the Director-General, Department of Planning & Infrastructure for application Major Project MP 10_0003; and The land the subject of the approval granted on 19 March 2012 under section 75J of the Environmental Planning and Assessment Act 1979 (NSW) by the Deputy Director General, Development Assessment and Systems Performance, Department of Planning & Infrastructure for application Major Project MP 10_0030.
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SCHEDULE A – SPECIAL MINISTERIALLY-IMPOSED LICENCE CONDITIONS

1. Water Quality Plan

- 1.1. The Licensee must ensure that its Water Quality Plan is a single, cohesive and structured scheme-specific document which specifies the actions the licensee must take to implement the 12 elements of the framework for recycled water quality management and use set out in the Australian Guidelines for Water Recycling.

2. Operational Procedures

- 2.1. The Licensee must develop and document, consistent with element 4 of the Australian Guidelines for Water Recycling, the following Operational Procedures:
- a) Monitoring protocols for operational performance of the recycled water supply system, including the selection of operational parameters and criteria, and the routine analysis of results;
 - b) Procedures for corrective action where operational parameters are not met;
 - c) Procedures for rapid communication systems to deal with unexpected events; and
 - d) Programs for regular inspection and maintenance of all equipment, including monitoring equipment.
- 2.2. The Licensee must:
- a) fully implement the Operational Procedures;
 - b) ensure that all of its activities are carried out in accordance with the Operational Procedures; and
 - c) keep records to demonstrate the extent to which the Operational Procedures have been implemented and complied with.

3. Ownership of Infrastructure

- 3.1. This Licence authorises the Licensee, and any authorised persons, to maintain and operate the Infrastructure for the authorised purposes and within the area of operations, provided that the Licensee owns, maintains and operates the Infrastructure or, to the extent the Licensee is not the owner of the Infrastructure, the Licensee maintains and operates the Infrastructure with the consent of the owner of the Infrastructure (within the meaning of section 64(1) of the Act).

The authority granted by this special condition to the Licensee and the authorised persons is subject to the conditions imposed by or under the Act, the Regulation and this Licence.

3.2. Definitions

In this clause, Infrastructure means the water industry infrastructure from the isolation valve immediately downstream of a tee junction on the Sydney Water main to the flange on the suction side of the pump (all horizontal pipework) excluding the Sydney Water bulk water meter.

SCHEDULE B – GENERAL MINISTERIALLY-IMPOSED LICENCE CONDITIONS

1. Ongoing capacity to operate

- 1.1. The Licensee must have the technical, financial and organisational capacity to carry out the activities authorised by this Licence. If the Licensee ceases to have this capacity, it must report this to IPART in accordance with the Reporting Manual.

2. Maintaining appropriate insurance

- 2.1. The Licensee must hold insurance that is appropriate for the size and nature of the activities that the Licensee is carrying out under this Licence.
- 2.2. The Licensee must provide a copy of each certificate of currency of the insurance maintained by the Licensee to IPART in accordance with the Reporting Manual.
- 2.3. *[Not applicable]*
- 2.4. *[Not applicable]*
- 2.5. If, in relation to the activities authorised by this Licence, there is, or is to be, a change in either of the following, the Licensee must provide a report to IPART in accordance with the Reporting Manual:
- a) the insurer or underwriting panel in respect of an insurance policy held by the Licensee; or
 - b) the type, scope or limit on the amount of insurance held by the Licensee.
- 2.6. From time to time when requested in writing by IPART, the Licensee must provide a report to IPART, in the manner and form and within the timeframes specified by IPART, from an Insurance Expert certifying that in the Insurance Expert's opinion the type, scope and limit on the amount of insurance held by the Licensee is appropriate for the size and nature of the activities that the Licensee is carrying out under this Licence.

[Note: The circumstances in which IPART may request a report under clause 2.6 include (but are not limited to) the following:

- *where IPART considers that there may be a change in the type, scope or limit on the amount of insurance held by the Licensee in relation to activities that the Licensee is carrying out under this Licence;*
- *where there is a change in the type or extent of activities authorised by this Licence; or*

- *where IPART or an approved auditor considers that the type, scope or limit on the amount of insurance held by the Licensee may not be appropriate for the size and nature of the activities that the Licensee is carrying out under this Licence.]*

3. Complying with NSW Health requirements

- 3.1. The Licensee must carry out the activities authorised by this Licence in compliance with any requirements of NSW Health that:
- a) IPART has agreed to; and
 - b) are notified from time to time to the Licensee by IPART in writing.

4. Complying with Audit Guidelines

- 4.1. The Licensee must comply with any Audit Guidelines issued by IPART.

5. Reporting in accordance with the Reporting Manual

- 5.1. The Licensee must prepare and submit reports in accordance with the Reporting Manual.

6. Reporting information in relation to the register of licences

- 6.1. The Licensee must notify IPART, and provide IPART with details, of any change in relation to the following, in accordance with the Reporting Manual, within 14 days of the change:
- a) any source from which the water handled by the Specified Water Industry Infrastructure is derived;
 - b) the identity of each licensed retail supplier or public water utility that has access to the infrastructure services provided by the Specified Water Industry Infrastructure for the purpose of supplying water to its customers;
 - c) any other water infrastructure to which the Specified Water Industry Infrastructure is connected;
 - d) in the case of non-potable water, the authorised purposes for that water;
 - e) the identity of each licensed retail supplier or public water utility that has access to infrastructure services provided by the Specified Water Industry Infrastructure for the purpose of providing sewerage services to its customers;
 - f) any other sewerage infrastructure to which the Specified Water Industry Infrastructure is connected; and

- g) the arrangements for the disposal of waste from the water industry infrastructure specified in section 3, Table 3.2.

7. Monitoring

- 7.1. The Licensee must undertake any monitoring that is required for the purposes of this Licence, any Plan, the Act or the Regulation in accordance with this clause 7.
- 7.2. The Licensee must keep the following records of any samples taken for monitoring purposes specified in the Water Quality Plan:
 - a) the date on which the sample was taken;
 - b) the time at which the sample was collected;
 - c) the point or location at which the sample was taken; and
 - d) the chain of custody of the sample (if applicable).
- 7.3. The Licensee must ensure that analyses of all samples taken for the purposes of Verification Monitoring are carried out by a laboratory accredited for the specified tests by an independent body that is acceptable to NSW Health, such as the National Association of Testing Authorities or an equivalent body.

8. Delineating responsibilities

- 8.1. If a code of conduct has not been established under clause 25 of the Regulation, the Licensee must, by a date specified by IPART, establish a code of conduct (**Licensee's Code of Conduct**) in accordance with this clause 8.
- 8.2. Before the Licensee brings the Specified Water Industry Infrastructure into commercial operation or by a later date specified by IPART (if any), the Licensee's Code of Conduct must be agreed in writing between:
 - a) the Licensee; and
 - b) each licensed network operator, licensed retail supplier and/or public water utility that:
 - i) supplies water or provides sewerage services by means of any water industry infrastructure that is connected to the Specified Water Industry Infrastructure; or
 - ii) constructs, maintains or operates any water industry infrastructure that is connected to the Specified Water Industry Infrastructure.
- 8.3. *[Not applicable].*
- 8.4. The Licensee's Code of Conduct must set out the respective responsibilities of the entities specified in clause 8.2 by, at a minimum, providing for:

- a) who is responsible for repairing, replacing or maintaining any pipes, pumps, valves, storages or other infrastructure connecting the Specified Water Industry Infrastructure to the other water industry infrastructure;
- b) who is responsible for water quality;
- c) who is liable in the event of the unavailability of water;
- d) who is liable in the event of failure of any water industry infrastructure;
- e) the fees and charges payable in respect of the use of the water industry infrastructure; and
- f) who is responsible for handling customer complaints.

8.5. The Licensee must not contravene the Licensee's Code of Conduct to the extent that it makes the Licensee responsible or liable for the matters set out in it.

9. Provision of copy of plan

9.1. Whenever the Licensee makes a significant amendment to a Plan, the Licensee must provide a copy of the amended Plan to IPART at the same time that it provides a copy to the approved auditor engaged to prepare a report as to the adequacy of the amended Plan, as required under the Regulation.

10. Notification of commercial operation

- 10.1. Each time the Licensee has brought any new Specified Water Industry Infrastructure into commercial operation, the Licensee must:
- a) notify IPART in accordance with the Reporting Manual that it has brought the relevant Specified Water Industry Infrastructure into commercial operation; and
 - b) provide such notification within 10 days after it has brought the relevant Specified Water Industry Infrastructure into commercial operation.

11. Notification of non-compliant Plumbing

11.1. If the Licensee becomes aware that a customer's Plumbing is not Code Compliant, the Licensee must, within 10 days, notify the customer and the Plumbing Regulator, in writing, of that fact.

SCHEDULE C – INTERPRETATION AND DEFINITIONS

1. Interpretation

- 1.1. In this Licence, unless the context requires otherwise:
- a) the singular includes the plural and vice versa;
 - b) headings are used for convenience only and do not affect the interpretation of this Licence;
 - c) a reference to a document includes the document as modified from time to time and any document replacing it;
 - d) a reference to a "person" includes a natural person and any body or entity whether incorporated or not;
 - e) a reference to a clause is to a clause in this Licence;
 - f) a reference to a section is to a section in this Licence;
 - g) a reference to a schedule is to a schedule to this Licence;
 - h) a reference to a law or statute includes regulations, rules, codes and other instruments under it, and consolidations, amendments, re-enactments or replacements of them; and
 - i) explanatory notes do not form part of this Licence, but in the case of uncertainty may be relied on for interpretation purposes.

2. Definitions

2.1. Expressions used in this Licence that are defined in the Act or the Regulation have the meanings set out in the Act or the Regulation.

2.2. In this Licence:

Act means the *Water Industry Competition Act 2006* (NSW).

Audit Guidelines means the document titled "*Audit Guideline – Water Industry Competition Act 2006*", which is prepared by IPART and is available on IPART's website at www.ipart.nsw.gov.au, and any other guidelines issued by IPART in relation to audits under the Act.

Authorised Person	means each person specified in, as applicable: <ul style="list-style-type: none"> a) section 1, Table 1.1; b) section 2, Table 2.1; and c) section 3, Table 3.1.
Code Compliant	has the meaning given to that term under section 7 of the <i>Plumbing and Drainage Act 2011</i> (NSW).
Insurance Expert	means an insurance broker which holds an Australian financial services licence under Part 7.6 of the <i>Corporations Act 2001</i> (Cth) that authorises the broker to provide financial product advice for, and deal in, contracts of insurance within the meaning of Chapter 7 of that Act.
IPART	means the Independent Pricing and Regulatory Tribunal of New South Wales established under the <i>Independent Pricing and Regulatory Tribunal Act 1992</i> (NSW).
Licence	means this network operator's licence granted under section 10 of the Act.
Licensee	means Discovery Point Water Pty Ltd (ACN 142 392 541).
Licensee's Code of Conduct	has the meaning given in Schedule B, clause 8.1.
Minister	means the Minister responsible for Part 2 of the Act.
NSW Health	means the Water Unit of NSW Ministry of Health and any of the local health districts as defined by the NSW Ministry of Health.

Plumbing	means any pipe, fitting or apparatus that is situated: <ul style="list-style-type: none"> a) downstream of the customer's connection point to a water main, where the water main is Specified Water Industry Infrastructure; b) upstream of a customer's connection point to a sewer main, where the sewer main is Specified Water Industry Infrastructure; or c) upstream of a customer's connection point to a stormwater drain, where the stormwater drain is Specified Water Industry Infrastructure.
Plumbing Regulator	has the meaning given to that term under section 3 of the <i>Plumbing and Drainage Act 2011</i> (NSW).
Regulation	means the <i>Water Industry Competition (General) Regulation 2008</i> (NSW).
Reporting Manual	means the document titled "Network Operator's Reporting Manual", which is prepared by IPART and is available on IPART's website at www.ipart.nsw.gov.au .
Specified Water Industry Infrastructure	means the water industry infrastructure specified in, as applicable: <ul style="list-style-type: none"> a) section 1, Table 1.2; b) section 2, Table 2.2; and c) section 3, Table 3.2.
Verification Monitoring	means verification monitoring as described in the document titled " <i>Australian Drinking Water Guidelines</i> " or the document titled " <i>Australian Guidelines for Water Recycling</i> " as the case may be.
Water Quality Plan	means the water quality plan that the Licensee is required to prepare under the Regulation.