

# APPLICATION FORM FOR THE ISSUE OF A LICENCE BY THE ESSENTIAL SERVICES COMMISSION OF SA UNDER THE WATER INDUSTRY ACT

## *Application Form*

THIS REGULATORY DOCUMENT SHOULD BE READ IN CONJUNCTION  
WITH THE FINAL ADVICE



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## AMENDMENT RECORD (since MONTH 2012)

<i><b>Issue No.</b></i>	<i><b>Commencement Date</b></i>	<i><b>Pages</b></i>
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## INFORMATION FOR APPLICANTS BEFORE FILLING OUT THIS FORM

### *Purpose of this form*

This form is to be completed by persons making an application to the Essential Services Commission of South Australia (the **Commission**) for the issue of a licence to provide a retail service (or undertake any other activity for which a licence is required by the regulations) in the water industry in South Australia.

The Commission may consider joint applications from two or more persons who wish to hold a licence jointly. Persons making joint applications must ensure that each of the applicants completes a separate application form together with a covering letter explaining that the application is for a licence to be jointly held.

### *Basis for this form*

Section 19(1) of the *Water Industry Act 2012* (the **Act**) provides that an application for the issue of a licence must be made to the Commission in a form approved by the Commission. This is the form approved by the Commission.

### *Use of this form and applicant's responsibility*

For the purpose of this application form, a reference to the term "Officer" include the applicant's directors and secretary, and/or other persons who make or participate in making decisions that affect a substantial part of the business of the applicant (e.g. Chief Executive Officer, Chief Financial Officer, General Manager etc.).

Applicants should list the information requested in the spaces provided in this form and enclose additional information when required. Applicants must take all reasonable steps to ensure the information provided in the application form is complete, true and correct and are required to make a declaration to that effect. Failure to disclose information or misrepresent any matter relevant to such information may result in a licence not being issued or in the suspension or cancellation of a licence at a later time.

Applicants are responsible for providing the Commission with current, accurate and relevant information. This will ensure that the application is processed promptly and without delay. All applications are assessed on a case-by-case basis. If insufficient information is provided with an application, the Commission will request additional information to be submitted before the application is considered further. This may cause delays in the assessment of the application.

### *Prior reading*

It is essential that licence applicants read the Commission's Water Bulletin – "*Licensing Arrangements for the Water Industry*" before they fill out this form. This Bulletin is available on the Commission's website [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au) under water/licensing. Applicants should also familiarise themselves with the regulatory obligations set out in the Act and the Water Retail Code that will apply to entities that provide retail services.

### *Licence conditions*

Section 25 of the Act requires the Commission to impose certain conditions in licences. The Commission strongly recommends that applicants review these mandatory conditions. Applicants must be familiar with the relevant conditions and be confident that they can comply with the conditions. The Commission will have regard to the scale and nature of the operations undertaken by an applicant in imposing these conditions and will be available to consult with an applicant in this regard.

### *Consultation and Confidentiality*

The Commission will consult with relevant government, industry and consumer groups in the conduct of its licensing functions through a public consultation process. Consequently, applications and/or supporting information will be made available on the Commission's website and in hard copy from the Commission's office for this purpose.

If applicants believe that they are providing confidential information when completing this form they should write "this information is confidential" after any such information. It is the applicant's responsibility to ensure this is clearly highlighted on the form. Applicants should also provide a 'non-confidential' version of the form capable of publication on the Commission's website.

The Commission will use information supplied in applications and in support of applications in accordance with the requirements of Part 5 of the *Essential Services Commission Act 2002*. Applicants claiming confidentiality are encouraged to familiarise themselves with Part 5. Applicants should note that the Commission may be required to disclose confidential information in some circumstances.

### *How to lodge an application*

Applicants should send their completed application form in writing and electronically.

In writing to:      Essential Services Commission of SA  
                                 GPO Box 2605  
                                 Adelaide SA 5001

Electronically to: [licensing@escosa.sa.gov.au](mailto:licensing@escosa.sa.gov.au)

### *Application fee*

Applicants must also enclose an application fee (which is to be set by the Treasurer) with their application. This fee must be received by the Commission in cleared funds before it can commence assessing an application.

### *Annual licence fee*

Holding a licence incurs an annual licence fee. The licence fees are set by the Treasurer, however, are collected by the Commission. At annual intervals, the Commission, on behalf of the Department of Treasury and Finance, will send to each licensee an invoice for the relevant annual licence fee. Licence fees are to be paid on receipt of an invoice via one of the payment options set out in the invoice.

A licence cannot be issued until the first annual licence fee has been paid.

## 1. THE APPLICANT

*Applicants must answer all questions in this section.*

### 1.1. *Identity of applicant*

**Name:** Wakefield Regional Council (WRC)

### 1.2. *Legal identity of applicant*

**A body corporate under the Local Government Act 11999 established by proclamation  
on 1<sup>st</sup> July 1997**

**ABN 97 171 984 493**

### 1.3. *Address and Contact Details of applicant*

**Business Address:**

Scotland Place

Balaklava

**State:** SA

**Post Code:** 5461

**Postal Address (if different to Business Address):**

PO Box 167 Balaklava

**State:** SA

**Post Code:** 5461

**Telephone:** (08) 88620800

**Facsimile:** (08) 8862 1115

**E-mail:** [admin@wakefieldrc.sa.gov.au](mailto:admin@wakefieldrc.sa.gov.au)



#### *1.4. Contact Person on behalf of applicant*

**Full Name:** Christopher William Parish  
**Title:** Community & Development Services Manager  
**Business Address:**  
Scotland Place, Balaklava  
**State:** SA **Post Code:** 5461  
**Postal Address (if different to above):**  
PO Box 167, Balaklava  
**State:** SA **Post Code:** 5461  
**Telephone:** (08) 8862 0800  
**Facsimile:** (08) 8862 1115  
**E-mail:** cparish@wakefieldrc.sa.gov.au

#### *1.5. Contact person for licence fees*

**Full Name:** Christopher William Parish  
**Title:** Community & Development Services Manager  
**Business Address:**  
Scotland Place, Balaklava  
**State:** SA **Post Code:** 5461  
**Postal Address (if different to above):**  
PO Box 167, Balaklava  
**State:** SA **Post Code:** 5461  
**Telephone:** (08) 8862 0800  
**Facsimile:** (08) 8862 1115  
**E-mail:** cparish@wakefieldrc.sa.gov.au

## 2. THE LICENCE

*Applicants must answer all questions in this section.*

### *2.1. A detailed description of the retail services for which a licence is sought*

**Application is for a licence that will authorise all water and / or sewerage services provided by the Council (e.g. Community Wastewater Management and / or water provision/treatment Scheme(s).**

- Port Wakefield is a residential Vacuum CWMS system servicing 42 properties, treated waste water is used to irrigate recreation Oval and Golf Club.  
**(Water supply agreement currently being negotiated)**
- Hamley Bridge is a residential CWMS/Stormwater catchment system servicing 273 properties; treated waste water is used to irrigate town recreation Oval and Primary School. Future plans to include council parks and gardens and the Bowls Club greens.  
**(Agreement attached) Annex- A**
- Snowtown is a residential CWMS system servicing 252 properties, treated waste water is currently used to irrigate town recreation Oval; (commenced January 2012) In the near future treated waste water will be supplied to the Snowtown Hospital "Lumeah Home for use on their gardens and council owned parks and gardens.  
**(Agreement attached) Annex- A**
- Blyth is a residential CWMS (primary treatment only) system servicing 156 properties, currently a commercial olive grove is supplied with waste water.  
**(Water supply agreement currently being negotiated)**
- Balaklava is a residential CWMS system servicing 755 properties, treated waste water is used to irrigate Balaklava Racecourse, Council Parklands/ Wetlands and the High School Oval. Future plan is to extend usage to town Recreation Oval  
\*EPA Licence # 1969  
**(Water supply agreement currently being negotiated)**

\*Balaklava CWMS is the only system to have an EPA licence due to the size of the system all other systems are deemed to small to hold a licence.

### *2.2. Date from which Licence is sought*

**From 1<sup>st</sup> January 2013**

### 3. SUITABILITY OF APPLICANT TO HOLD A LICENCE

*Applicants must answer all questions in this section.*

#### *3.1. Standard of honesty and integrity shown by applicant*

**Wakefield Regional Council has not been convicted of any criminal offence.**

**Wakefield Regional Council has never been prosecuted under any Territory, State or Commonwealth legislation.**

**The Council welcomes any further investigation by the Commission**

#### *3.2. Standard of honesty and integrity shown by officers and major shareholders (if relevant) of the applicant*

**All of the elected members, the CEO and the Executive Management group have not been convicted of any criminal offence.**

**All of the elected members, the CEO and the Executive Management group have not been prosecuted under any Territory, State or Commonwealth Legislation.**

**The above mentioned welcomes any further investigation by the Commission.**

### *3.3. Names and addresses of the officers of applicant*

**Full Name:** Cate Atkinson

**Date of Birth:** [REDACTED]

**Office Held:** CEO

**Business Address:**

Scotland Place, Balaklava

**State:** SA

**Post Code:** 5461

**Full Name:** Steve Jonas

**Date of Birth:** [REDACTED]

**Office Held:** Corporate Services Manager

**Business Address:**

Scotland Place, Balaklava

**State:** SA

**Post Code:** 5461

**Full Name:** David Hasset

**Date of Birth:** [REDACTED]

**Office Held:** Infrastructure Services Manager

**Business Address:**

Scotland Place, Balaklava

**State:** SA

**Post Code:** 5461

**Additional documents attached:- Annex- B.**

*3.4. Names and addresses of major shareholders of applicant (not relevant for local council applicants)*

**N/A**

*3.5. Details of the group members (not relevant for local council applicants)*

**N/A**

*3.6. Additional information*

- *Is the applicant a resident of, or does it have permanent establishment in, Australia? If the answer to this question is "no", please provide further details.*

**Yes.**

- *Is the applicant under external administration (as defined in the Corporations Act 2001) or under a similar form of administration under any laws applicable to it in any jurisdiction? If the answer to this question is "yes", please provide further details.*

**Not applicable**

- *Is the applicant immune from suit in respect of the obligations under the Water Industry Act 2012? If the answer to this question is "yes", please provide further details.*

**No.**

- *Is the applicant capable of being sued in its own name in a court of Australia? If the answer to this question is "no", please provide further details*

**Yes.**



### *3.7. Financial resources available to the applicant*

**Additional documents attached:-**

- **Audited Financial Statement for 2010/2011 Annex- C**
- **Audited Financial Statement for 2011/2012 (yet to be signed by auditor, adopted by council on the 24/10/2012 council meeting) Annex- D**
- **Adopted Annual Business Plan Annex -E**
- **Adopted Annual Budget Annex- F**
- **Adopted Long Term Financial Plan 2011-12 to 2020-2021 Annex- G**
- **Adopted Strategic Management Plan 2010-2014 Annex H**
- **WRC Infrastructure Asset Management Plan CWMS Annex I**
- **WRC Asset Management Policy Annex-J**

### *3.8. Human resources available to the applicant*

***Councils CWMS maintenance contractor:***

**Alano Water**

**4B Fisher St, Port Adelaide SA 5015**

**Alano Water provides an extensive service in the operation and maintenance of wastewater systems for Wakefield Regional Council.**

**Services include:**

- **mains pressure flushing**
- **pump/pump station maintenance and repairs**
- **responding to alarms at wastewater treatment plants**
- **delivering chemicals to wastewater treatment plants**
- **sampling and reporting on wastewater treatment plants**

**Alano key staff includes:**

**Name:** Tony Catalano

**Role:** Director / Secretary

**Qualifications:** Bachelor of Engineering (Civil) with Honours, University of Adelaide. Bachelor of Science (Micro-Biology), University of Adelaide. Diploma of Financial Services, TAFE SA

**Experience:** Experience: Tony is the Senior Engineer at Alano Water and manages the company's Design and Systems Operation Team. He has over 40 years' experience in water and wastewater engineering. Prior to establishing Alano Water, he worked at SA Water in various disciplines of design, construction, operation and maintenance. In addition, he Lectures at the University of South Australia on the subject of water and wastewater treatment.

**Name:** Mark Catalano

**Role:** Director

**Qualifications:** Bachelor of Management (Marketing)

**Experience:** Mark has considerable experience in company development and management, enabling Alano Water to be recognized as a market leader in water and waste water treatment in South Australia. Over 8 years' experience in the water and wastewater treatment industry. Supervised the construction of 18 waste water treatment plants in local and regional council areas. Mark is also a member of the Australian Institute of Company Directors.

**Name:** Hans Gielen

**Role:** Process Engineer

**Qualifications:** Bachelor of Science, University of South Australia. Masters' Degree in Water Resources Management, University of South Australia.

**Experience:** Hans has experience in the design and operation of water and wastewater treatment systems.

At present manages the operations of some 14 treatment plants throughout South Australia including the Class A tertiary plant for Tea Tree Gully.

Major achievement was the design, construction, commissioning and presently operation & maintenance of the Tea Tree Gully plant.

**Name:** Matt Ball

**Role:** Technical Officer and Manager, Projects and Construction

**Qualifications:** Currently studying Bachelor of Engineering (Civil and Water Resource Management), University of South Australia -2010 to present. Plumbing & Gasfitting Contractors Licence, Regency Institute of TAFE. PreVocation Plumbing & Gasfitting, Regency Institute of TAFE.

**Experience:** Matt has extensive experience in hydraulic pipework, storm water, sewer drainage and civil works in medium to large construction. He began his career in the plumbing construction industry and now has over 12 years' experience in the water and waste water industry.

**Name:** Chris Brown

**Role:** Environmental Specialist, Operations and Planning

**Qualification:** Bachelor App.Sc (Environmental Management)

**Experience:** Chris has extensive experience in Industrial Microbiology, industrial liquid waste management. Has an excellent understanding with regulatory framework that operates in SA for pollution management and control.

***WRC Council key employee:***

**Name:** Lynda Painter

**Job Title:** Environmental Health Office

**Qualifications:** Bachelor of Environmental Science (CQU)

Graduate Diploma of Environmental Health Practice (Flinders)

Certificate in Carbon Accounting (TafeSA)

Diploma of Sustainability (TafeSA - will complete December 2012)

**Experience:** Lynda has 3 years experience as an Environmental Health Officer with Wakefield Regional Council, liaising directly with contractors, plumbers, regulatory bodies and the general public involving CWMS applications, approvals, connections and inspections.

### *3.9. Technical resources available to the applicant*

**Refer to 3.8**

**CWMS service charges are detailed on quarterly rates notices. A copy of the rates notice and information forwarded to ratepayers with the rates notice is included at Annexes K & L. Rates are billed quarterly, with payment options and information regarding rates enquiries, fines and interest on overdue rates, concessions, etc. included on the notice.**

**Rates payments are due in September, December, March and June each year and the due dates are shown on both the rates notice and the enclosed information. Section 6 of the Annual Business Plan, which is included as Annex E, sets out Council's rating policy, including 6.6 Service Charges.**

**Reminder letters are issued quarterly if in arrears.**

**Additional documents attached:-**

- **WRC Rates Notice Annex - K**
- **WRC 2012/2013 Rates Information Annex - L**
- **WRC Internal Review of Council Decisions Policy Annex- M**
- **WRC Records Management Policy Annex- N**
- **WRC OHS&W & Injury Management Policy Annex- O**
- **WRC Accident Incident Investigation and Reporting Policy Annex- P**
- **WRC Business Continuity Plan Annex- Q**
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### *3.10. Contracts*

**Additional documents attached:-**

- **WRC – Hamley Bridge Water Re-use Agreement Annex- R**
- **WRC – Snowtown Water Re-use Agreement Annex- S**
- **WRC – Alano Water CWMS Management Agreement Annex- T**
- **WRC Tendering, Contracting, Purchasing, Sale & Disposal of Land & Other Assets Policy Annex-U**
- **WRC CWMS Construction Contract Annex- V**

### *3.11. Suitable and appropriate infrastructure*

**The Commission is referred to the Council's response at 3.7 above, in particular its Asset and Infrastructure Management Plan.**

**WRC owns the Port Wakefield, Hamley Bridge, Blyth, Snow Town & Balaklava CWMS treatment facilities, gravity networks, vacuum systems, pipelines, pump stations and ancillary equipment.**

**All CWMS assets are professionally designed, constructed and assessed by the Department of Health (DOH) and the Environment Protection Authority (EPA).**

**WRC operates and meet all requirements set out by the Department of Health and the Environment Protection Authority; this includes providing annual effluent monitoring reports to the Wastewater Management section of the Department of Health**

### *3.12. Risk management*

**Additional documents attached:-**



- **WRC Risk Management Policy Annex-W**  
**(Currently being reviewed to include CWMS)**
- **WRC Internal Control Policy Annex-X**

*3.13. Licences held by the applicant in other Australian jurisdictions*

**Not Applicable**

*3.14. Previous unsuccessful licence applications in other Australian jurisdictions*

**Not Applicable**

*3.15. Licences held by associates of the applicant*

**Not Applicable**

*3.16. Compliance program*

**The Council is authorised by the Environment Protection Authority to undertake activities of environmental significance under Schedule 1 part A of the Environment Protection Act 1993 and is subject to the conditions of licence as an operator of a Sewage Treatment Works or Septic Tank Effluent Disposal Scheme.**

**In accordance with the Activity Management Conditions of their licences, Council maintain approved and verified site monitoring programs for their wastewater collection, treatment and reuse systems and provide annual reporting to the Environment Protection Authority and the Department of Health including effluent quality monitoring results and system malfunctions.**

### **3.17. Additional information**

**WRC CWMS schemes have been in operation since 1984. During this time there have been no reportable incidents to the EPA, DOH or Safe Work SA.**

## 4. FACTORS SPECIFIED IN THE ESSENTIAL SERVICES COMMISSION ACT 2002

Most of the townships in regional South Australia are provided with wastewater services by Local Government through various forms of CWMS. Councils did not “choose” to become involved in the provision of wastewater services as historically this was the role the South Australian Engineering and Water Supply Department (E&WS) and subsequently SA Water under the *Sewerage Act 1929*.

From the early 1960s the State Government sought to encourage Councils to construct a cheaper form of communal drainage in regional towns based on linking existing septic tank

The then *Local Government Act 1934* was amended to provide Councils with the necessary powers to construct and charge for these schemes. Councils were provided with financial subsidies and technical assistance originally by the Department of Health and subsequently by the Department of Local Government and the E&WS. The LGA agreed to take over the management of the State Government subsidy program in 2005. Over time 39 Councils manage more than 170 separate CWMS.

In regional areas, the provision of CWMS was a public service provided by a Council when the State Government’s water utility was unwilling to do so, presumably on the basis of scale and economic considerations.

It should be noted that the State Government’s water security plan, “Water for Good”, sets ambitious targets for the harvesting and recycling of stormwater in the Greater Adelaide and regional areas. The vast majority of stormwater harvesting is undertaken by Councils and it would be a perverse policy outcome if Councils were confronted with a regulatory regime which created disincentives for harvesting, recycling and sale of stormwater resources.

Care should be taken to ensure that that where Councils are involved in CWMS operations or stormwater harvesting and recycling projects, which include the sale of water resources, that regulation by ESCOSA is commensurate with the scale of the scheme(s).

## **5. APPLICATION FEES**

**No application fee is payable by applicants that were providing water /  
sewerage retail services as at 30 June 2012**

## 6. DECLARATION

All information in this application for the issue of a licence to authorise the provision of retail services in the water industry in South Australia must be verified by a Statutory Declaration of the applicant, in accordance with the provisions of the *Oaths Act 1936 (SA)*<sup>1</sup>, stating that the information contained in the application is true and correct to the best of the applicant's knowledge, information and belief.

In conjunction with this declaration, evidence of the relevant authority of the declarant to sign on behalf of the applicant must also be provided to the Commission.<sup>2</sup>

### Statutory Declaration

I Cate Atkinson

Of Wakefield Regional Council

do solemnly and sincerely declare that the information contained in this Application for the issue of a licence to authorise the provision of retail services in the water industry in South Australia is true and correct to the best of my knowledge information and belief.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Date 31<sup>st</sup> October 2012

Signature 

(Where the applicant is a body corporate, the declaration must be made by a person authorised by body corporate to sign on its behalf)

Declared at: Balaklava this 31 day of Oct 2012

GLEN GROWDEN  
JUSTICE OF THE PEACE No. 23510

Before me: 

(Signature of Justice of the Peace or other person authorised under the Oaths Act 1936)

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1 Or equivalent legislation in other Australian jurisdictions.

2 The Commission will accept a copy of a Board or Council minute (or circulating resolution) giving approval for the declarant to sign on behalf of the applicant as evidence of the relevant authority.





THE ESSENTIAL SERVICES COMMISSION OF SOUTH AUSTRALIA

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