

# 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



Enquiries concerning the currency of this form should be addressed to:

Essential Services Commission of South Australia  
GPO Box 2605  
Adelaide SA 5001

Facsimile: (08) 8463 4449  
Telephone: (08) 8463 4444  
Freecall: 1800 633 592 (SA and mobiles only)  
E-mail: [licensing@escosa.sa.gov.au](mailto:licensing@escosa.sa.gov.au)  
Web: [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au)

## *AMENDMENT RECORD (since MONTH 2012)*

<i>Issue No.</i>	<i>Commencement Date</i>	<i>Pages</i>
AF1/1	AUGUST 2012	

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

**TABLE OF CONTENTS**

Information for applicants before filling out this form	1
Purpose of this form	1
1. The Applicant	4
1.1. Identity of applicant	4
1.2. Legal identity of applicant	4
1.3. Address and Contact Details of applicant	4
1.4. Contact Person on behalf of applicant	4
1.5. Contact person for licence fees	5
2. The Licence	6
2.1. A detailed description of the retail services for which a licence is sought	6
2.2. Date from which Licence is sought	7
3. Suitability of Applicant to Hold a Licence	8
3.1. Standard of honesty and integrity shown by applicant	8
3.2. Standard of honesty and integrity shown by officers and major shareholders (if relevant) of the applicant	8
3.3. Names and addresses of the officers of applicant	10
3.4. Names and addresses of major shareholders of applicant (not relevant for local council applicants)	12
3.5. Details of the group members (not relevant for local council applicants)	12
3.6. Additional information	12
3.7. Financial resources available to the applicant	13

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

3.8. Human resources available to the applicant	14
3.9. Technical resources available to the applicant	15
3.10. Contracts	16
3.11. Suitable and appropriate infrastructure	18
3.12. Risk management	18
3.13. Licences held by the applicant in other Australian jurisdictions	19
3.14. Previous unsuccessful licence applications in other Australian jurisdictions	19
3.15. Licences held by associates of the applicant	19
3.16. Compliance program	19
3.17. Additional information	20
4. Factors specified in the Essential Services Commission Act 2002	22
5. Application Fees	24
6. Declaration	25

## 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.

## Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012

### Application Form

#### *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.

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

Application Form

*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.

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

**The Applicant**

*Applicants must answer all questions in this section.*

**1.1. Identity of applicant**

*State the full name of the applicant. The applicant should be the person/entity that will be providing a retail service (e.g. retail or distribution operations etc). The Commission can also consider joint applications from two or more persons who wish to jointly hold the licence. Joint applicants should each complete an application form, and submit their application forms at the same time, with a covering letter explaining that a joint application is being made.*

**Name:** THE CITY OF CHARLES STURT

**1.2. Legal identity of applicant**

*Provide information about the applicant, (i.e. whether the applicant is a natural person, proprietary limited or public company, partnership or local government body etc). If the applicant is a body corporate, please also state the jurisdiction in which the applicant is registered, and the applicant's ABN/ACN.*

A BODY CORPORATE UNDER SA LOCAL GOVT ACT 1999 (CITY OF CHARLES STURT  
ABN 42 124 960 161)

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

**Bus Address:** 72 WOODVILLE RD WOODVILLE

**State:** SA **Post Code:** 5011

**Postal Address (if different to Business Address):** PO BOX 1 WOODVILLE

**State:** SA **Post Code:** 5011

**Telephone:** 8408 1111

**Facsimile:** 8408 1122

**E-mail:** council@charlessturt.sa.gov.au

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

*The full name, title and contact details of a person to whom the Commission can direct enquiries and correspondence about the application.*

**Full Name:** Michael James Powell

**Title:** Financial & Rating Services Accountant

**Business Address:** As Above

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

**State:** AA **Post Code:** AA

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

**State:** AA **Post Code:** AA

**Telephone:** 8408 1227

**Facsimile:** 8408 1122

**E-mail:** mpowell@charlessturt.sa.gov.au

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

*The full name or title of the person to whom the Commission can direct enquiries and correspondence about licence fees.*

**Full Name:** Donna Moore

**Title:** Water Business Unit Coordinator

**Business Address:** As Above

**State:** AA **Post Code:** AA

**Postal Address (if different to above):** As Above

**State:** AA **Post Code:** AA **Telephone:** 8408 1829

**Facsimile:** 8408 1122

**E-mail:** dmoore@charlessturt.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*

*For example:*

*Water: drinking- residential and/or non-residential;*

*Water: non-drinking – residential and/or non-residential;*

*Sewerage: residential and/or non-residential; and*

*Sewerage – trade waste – non-residential.*

*Applicants should provide detailed information in respect of where the retail services will be provided and to whom (i.e. type and number of customers)*

Water: non-drinking – residential and non-residential (principally open space, parks, reserves irrigation).

Provision of recycled water to a number of external residential and commercial customers throughout the City of Charles Sturt and potentially other customers outside the City of Charles Sturt ( eg: Alberton Oval) via a network of lilac pipe distribution mains.

Residential Customers will initially be supplied potable SA Water sourced water via our purple pipe delivery network until recycled water becomes available from aquifer extraction (anticipated to be in 2014/15). The Water that will be supplied to residential customers is to be supplied for non potable use, ie toilet flushing and for external garden use or car washing.

Commercial customers are primarily to be schools and businesses that require water for external irrigation purposes. There may be some businesses that require water for other commercial non-potable purposes.

The Residential Customers shall initially comprise two new housing developments in St Clair/Cheltenham and the Woodville West residential development, with other new development customers anticipated later.

There will be progressive housing growth in these areas as the development occurs and hence new purple pipe connections over the next four to five years.  
***(Refer Appendix A for residential growth /connection forecasts and for overall forecasts of recycled water supply.)***

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

There is anticipated to be 50-200 residential supply connections for 2012-13 year all to be initially supplied potable standard SA Water via the purple pipe distribution network. Refer Appendix A for the anticipated water yields and associated connections anticipated over the ensuing six years.

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

*If the applicant seeks to have the licence issued by a certain date, provide this date. Please note that the Commission does not undertake to issue the licence by this date. Applicants should usually allow the Commission a minimum of eight weeks to consider an application, as a public consultation period of several weeks forms part of the Commission's consideration of licence applications.*

January 1<sup>st</sup> 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*

*In deciding whether the applicant is a suitable person to hold a licence, the Commission may:*

- *consider the applicant's previous commercial and other dealings, and*
- *the standard of honesty and integrity shown in those dealings.*

*Please provide information that will assist the Commission in its consideration of this matter. If the applicant:*

- *has been found guilty of any criminal offence,*
- *has been successfully prosecuted under any Territory, State or Commonwealth legislation (such as the Australian Securities and Investments Commission Act 2001 or the Competition and Consumer Act 2010); or*
- *has been the subject of disciplinary action,*
- *details of such matters must be disclosed. Failure to disclose such information or misrepresent any matter relevant to such information may result in the cancellation of a licence.*

*The Commission may use the service of an external expert to assist with the assessment of the applicant's standard of honesty and integrity.*

The Council has not been convicted of any criminal offence.

The Council has never been successfully prosecuted under any 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*

*Applicants should address responses to this question in the same manner as 3.1 above.*

Declarations of interest are completed by senior officers and elected members as per Local Government Act requirements.

- *Has not been found guilty of any criminal offence,*

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

- *Has not been successfully prosecuted under any Territory, State or Commonwealth legislation (such as the Australian Securities and Investments Commission Act 2001 or the Competition and Consumer Act 2010); or*
- *has not been the subject of disciplinary action.*

No Staff identified in the application has ever been subject to prosecution relevant to the operations of the water license including and requirements of ASIC, nor has any been subject to any form of disciplinary action.

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

*Names and addresses of the officers of applicant*

*State the names and addresses of the officers of the applicant. "Officers" of the applicant include the applicant's directors and secretary, or other persons who make or participate in making decisions that affect a substantial part of the business or operations of the applicant that will be licensed.*

**Full Name:** Mark Withers  
**Date of Birth:** 16/03/1961  
**Office Held:** Chief Executive Officer  
**Business Address:** Co 72 Woodville Rd Woodville  
**State:** SA **Post Code:** 5011

**Full Name:** Paul Sutton  
**Date of Birth:** 7/2/1966  
**Office Held:** General Manager Corporate Services  
**Business Address:** Co 72 Woodville Rd Woodville  
**State:** SA **Post Code:** 5011

**Full Name:** Jan Cornish  
**Date of Birth:** 22 /12/1959  
**Office Held:** General Manager Asset Management Services  
**Business Address:** Co 72 Woodville Rd Woodville  
**State:** SA **Post Code:** 5011

**Full Name:** Adrian Sykes  
**Date of Birth:** 03/08/1955  
**Office Held:** Strategic Infrastructure Executive Officer

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

Application Form

**Business Address:** Co 72 Woodville Rd Woodville

**State:** SA **Post Code:** 5011

**Full Name:** Michael Powell

**Date of Birth:** 3/7/1965

**Office Held:** Financial and Rating Services Accountant

**Business Address:** Co 72 Woodville Rd Woodville

**State:** SA **Post Code:** 5011

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

*State the full names and addresses of the major shareholders of the applicant.*

**Full Name:** Not Applicable

**Date of Birth (if applicable):**

**Office Held:**

**Business Address:**

**State:**            **Post Code:**

### 3.4. Details of the group members (not relevant for local council applicants)

*This is information about entities controlled by the applicant, or by the ultimate parent entity of the applicant (if applicable).*

Not Applicable

### 3.5. Additional information

*Please answer the following questions.*

- *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.*

No

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

- *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

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

*Provide information about the financial resources available to the applicant which provides sufficient evidence of the current and ongoing financial capacity of the applicant to effectively provide the relevant retail services (e.g. bank guarantees, credit history and business continuity arrangements).*

*If the applicant is a company, please enclose a copy of the audited (and Board approved) profit and loss statement and balance sheet for the previous two financial years, including the director's report and the audit opinion. If the applicant is a subsidiary company, please also provide a copy of the audited profit and loss statement and balance sheet of the applicant's parent company for the previous two financial years.*

*If an applicant is a local council, please enclose a copy of the audited profit and loss statement and balance sheet for the previous two financial years.*

*Applicants should also submit copies of business plans which detail the strategic direction of the applicant, including its objectives, identified opportunities in the market place and forecast results.*

REFER ATTACHED COPIES OF AUDITED FINANCIAL STATEMENTS. 2011/12 & 2010/11

REFER ATTACHED ANNUAL BUSINESS PLANS & BUDGET 2011/12 & 2012/13  
(Inclusive of Long Term Financial Plans)

The above documents attest to the ongoing viability and financial sustainability of the City of Charles Sturt. In particular the Key Performance Indicators reflect this in both the Financial Statements and the 10 Year Long Term Financial Plan.

Council is covered via the Local Government Mutual Liability Scheme for its operational activities, this scheme is underwritten in the first case by commercial re-insurers and then secondly to an unlimited level by the State Government of SA.

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

*Provide information about the human resources available to the applicant, for example, the number of employees and the experience of these employees in providing the services for which the licence is sought. If the applicant will employ contractor/s to assist with the licensed operations, please provide the name of that contractor/s, and details about the experience of the contractor/s in such operations and details of the processes in place to ensure the contractor/s will comply with the regulatory obligations imposed by the licence.*

The City of Charles Sturt is one of the largest metropolitan Council's in South Australia and it directly employs approximately 480 staff. In addition to this we 'contract in' specialist expertise in areas where such expertise does not exist among staff.

Charles Sturt has extensive experience and expertise in providing customer service to around 110,000 residents, this includes complex customer issues and has substantial resources in handling these and dispute resolution.

Charles Sturt manages just under \$1billion in infrastructure and has well established regimes of asset planning and management.

In regard to operations of the Recycled Water Services we will use a combination of in-house and contracted resources in managing the recycled water operations.

Operations and Maintenance: A combination of in-house staff and professional contractors will be used to carry out these activities. Council has a team of 20 plus qualified staff who can be trained to operate, maintain civil and living (wetland) infrastructure. For specialised equipment such as pumps, control valves treatment systems, SCADA, Council will engage suitably qualified contractors in combination with Council staff.

Council has contracted a number of specialists already to bring the project to first fruition, including;

- Aurecon to undertake the Project Management of the infrastructure delivery,
- Wallbridge and Gilbert as lead design engineers, with some design also being undertaken by AECOM
- Guidera O'Connor for Mechanical Electrical
- Bardavcol for Civil Works
- Olympic Drilling for Bore drilling
- SA Directional Boring for directional boring and
- Coromandel Native Nursery, Plant Supply

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

Once operational;

- Customer Service, complaints handling and billing will be done by CCS staff,
- Wetland management will be undertaken by in house CCS Asset Mgt staff who have been trained in this area,
- Water Quality monitoring is mostly automated. Periodic testing and monitoring will be undertaken by suitably qualified organisations.
- Control Equipment oversight and maintenance by suitably qualified contractors/ organisations.
- Meter installation and emergency response by a contracted plumbing firm. (Yet to be tendered)

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

*Applicants are asked to provide details about the availability of technical resources to be used in carrying out the services for which a licence is sought. The information should include details about the technically qualified staff available to the applicant and (if relevant) of experience gained in similar operations.*

*Applicants must also provide sufficient details of the systems and processes to be used to market and/or communicate with customers, to provide bills, to follow up payments and process customer move-ins and move-outs and deal with customer enquiries and complaints.*

Charles Sturt has a well developed customer interface through its customer contact centre, in house call centre and web site. These, together with direct mail and print media will be used to communicate with customers.

Charles Sturt Recycled Water Service Charter outlines the relevant specifications of administrative processes to be implemented. **(Refer Appendix B)**

The City of Charles Sturt will utilise the debtors module of Technology One Business Software Solutions to manage the billing process and this will be supplemented with a relevant customer and property related maintained database.

In regard to technical water and aquifer related issues Charles Sturt will contract this expertise for the initial years of operation until effective knowledge transfer has occurred. This will be supported by in house qualified engineering staff, principally Adrian Sykes (Strategic Infrastructure Executive Officer) and Murali Kumarapuram-Ganapathi (Coordinator Water Projects). Curriculum Vitae's are available if required.

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

Council has an obligation to maintain the Assessment Record under section 172 of the Local Government Act 1999, which includes details of every piece of land in the Council's area to which a water / sewerage rate and / or service charge attaches and the person who is liable to pay the service rate or charge, thereby constituting a record of Council's water / sewerage service "customers".

**Complaints Handling**

Complaints Handling including for internal review of Council decisions under section 270 of the Local Government Act 1999; also refer Council's complaint Handling Policy per attached.

**Records Management**

The City of Charles Sturt has an established Electronic Records Management System (TRIM) that meets legal and regulatory requirements for maintenance of records. It meets Australian Standards (AS ISO IS489.1-2002) for the management of records.

**OH&S and Emergency Management**

Council has an established OHS&W system which includes Incident Reporting mechanisms accompanied by an overarching Policy & procedural framework. Council is a self insured for WorkCover purposes and is regularly audited both independently and by WorkCover.

Emergency Management Policy is in place with a Public Website link detailing relevant contacts and links.

'Out of Hours' servicing provision can be facilitated via our Rapid Response Unit who will 'triage' issues and undertake emergency make safe repairs and refer where necessary. This unit resides within the Property Management Team.

### **3.9. Contracts**

*Applicants must provide reasonable evidence that they are able to meet reasonably foreseeable obligations under contracts for the sale and supply of water or the sale or supply of sewerage services (or both) as the case may be. Such contracts would include contracts whereby the applicant is reliant on a supply of water or specific sewerage service from a third party which is intends to on sell to its customers.*

**Contractual**

Council has considerable experience in contract procurement and contract administration. The provision of this recycled water is not the primary source of water for any customers and as such is not an essential service.

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

The City of Charles Sturt will have in place signed and binding Land Management Agreements and Water Supply Agreements between the Council and recycled water supply customers prior to the provision of recycled water to any of its external customers.

**Service Provision**

The Council, as a statutory authority, has available to apply its powers under the Local Government Act 1999 to impose and recover rates and/or charges for providing prescribed services to meet the costs of establishing, operating, maintaining, improving and replacing (including for future required capital works and taking into account the depreciation of assets) services which includes recycled water.

**Supply**

The Council, based on independent verification (AURECON AUSTRALIA PTY LTD), estimates that it will capture and treat via its wetland network sufficient water instated in the City's aquifer(s) to provide a supply of recycled water to its Water Customers, including its own use.

Recycled or treated water is not considered an "essential service" as are designated potable water supplies. The City of Charles Sturt makes it clear to recycled water customers and consumers in contractual arrangements that the supply of recycled and treated water cannot be guaranteed.

In the event however that there is a systemic failure of the recycled water production system the City of Charles Sturt intends to switch back supply to SA Potable Water (as an interim measure) via already established junctioned and metered delivery points. Verbal agreements are currently in existence with SA Water regarding the emergency supply of potable water and these are to be substantiated with written contracts. Refer Peter Fields of SA Water ph: 74241132.

### 3.10. Suitable and appropriate infrastructure

*The Commission may not issue a licence unless it is satisfied that the infrastructure to be used in connection with the relevant service is appropriate for the purposes for which it will be used.*

*Applicants are therefore asked to provide a detailed description of the infrastructure that will be utilised by the applicant in providing the retail services for which the licence is sought and verify that the infrastructure has been (or will be) developed in accordance with relevant Australian Industry Codes and Australian Standards with reference to technical specifications or reports.*

*If an applicant does not own the infrastructure to be used in delivering the relevant retail services, the applicant must provide information regarding the appropriateness of that infrastructure and of the binding arrangements that are (or will be) in place with the owner of the infrastructure in regards to the use of the infrastructure.*

The recycled water distribution and linking mains and associated components (valves etc) are in accordance with SA Water standards and appropriate Australian Standards. In addition the design processes to harvest stormwater for distribution has been undertaken by professional design firm's Walbridge and Gilbert as lead design and AECOM as sub consultant for limited parts. It is assessed by the appropriate licensing or regulatory authorities including Department for Health, Environment Protection Authority, AMLR NRM Board and Department for Water, now Department Environment, Water and Natural Resources

### 3.11. Risk management

*Provide confirmation and reasonable evidence that the applicant's management has identified the risks associated with the retail services it intends to provide and has established, utilises and relies upon risk management systems and processes which are adequate, accurate and current to address those risks. A copy of the applicant's risk management strategy should be submitted.*

Council has in place a sophisticated Risk Management Framework developed in accordance with the International Standard ISO31000:2009 (**Refer Appendix C**)

The Risk Assessment process for the production and supply of water will continue to be ongoing and was recently the subject of an Internal Audit report undertaken by Ernst and Young (audit report available on request).

A preliminary Risk Assessment matrix regarding the Water Business has been undertaken. A further review of the Risk Plan and Mitigation Strategies will be undertaken in the first quarter of 2013.

### 3.12. *Licences held by the applicant in other Australian jurisdictions*

*If the applicant holds, or has previously held, a retail services licence or equivalent in other Australian jurisdictions please provide details. If a licence previously held has been suspended or cancelled, please provide details.*

Not Applicable

### 3.13. *Previous unsuccessful licence applications in other Australian jurisdictions*

*Please state whether the applicant has applied for a water retail licence or equivalent in another Australian jurisdiction and not been issued with a licence, and provide relevant details.*

Not Applicable

### 3.14. *Licences held by associates of the applicant*

*If an associate of the applicant (within the meaning of the Corporations Act) holds a water retail licence in South Australia or in other Australian jurisdictions, please provide details.*

Not Applicable

### 3.15. *Compliance program*

*Applicants are required to submit a copy of their Compliance Program which details what compliance systems the applicant has (or will have) in place and a description of how these systems will ensure compliance with the applicable regulatory obligations imposed by a licence and the Water Retail Code. The Commission expects that a Compliance Program will, as a minimum, document:*

- the obligations that will apply to the applicant;*
- the processes that are (or will be) in place to ensure the applicant's compliance with obligations;*
- details on how compliance is monitored;*
- details of how non-compliance will be reported and rectified; and*
- details of any internal audit programs in place that review (or will review) the effectiveness of the Compliance Program from time to time.*

**Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012**

**Application Form**

The City of Charles Sturt will prepare a compliance program prior to supplying recycled stormwater to its customers. The Compliance program will be developed based on South Australian Recycled Water Guidelines published by SA Health.

The compliance program will also take into consideration legislation, regulations and guidelines including Environment Protection Act 1993, Occupational Health, Safety and Welfare Act 1986.

The compliance program will identify monitoring program, statutory and management reporting requirements and procedures for monitoring and reporting. Compliance audits will also be included in the program to ensure agreed processes are followed.

Any non conformance will be reported to SA Health and /or EPA and remedial actions will be implemented.

In addition financial reporting compliance will be incorporated into the annual financial statements of the City of Charles Sturt which like all other Council's is independently audited before tabling in council endorsed annual reports.

### **3.16. Additional information**

*The Commission encourages applicants to provide any additional information they consider would be of assistance in supporting the application. Please provide below.*

At present there are no active connections. However there are approximately 15 Residential Connections that are due to be made by January 2012 and it is anticipated there will be further 50-200 cumulative connections by 30 June 2013. As stated previously these will be connected to the lilac network charged with potable SA Water.

Residents receiving this on sold SA Water as an interim measure will effectively utilise this water as if it were recycled water and the same conditions of use regarding recycled water use will apply.

The City of Charles Sturt will delegate to its Chief Executive powers under **section 19 of the Water Industry Act 2012** at a meeting of Council on 12 November 2012. Confirmation of this motion will be provided to ESCOSA as soon as practicable post the 12 November 2012.

Charles Sturt Council will endeavour (**at least 60 days prior to switching from Potable SA Water delivered through purple pipe infrastructure to recycled water**) to notify ESCOSA of this change in water supply and furnish any relevant additional information that may be required by ESCOSA.

**Application form for the issue of a licence by the Essential Services Commission of SA under  
the Water Industry Act 2012**

Application Form

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

*In considering a licence application, the Commission must have as its primary objective the protection of the long term interests of consumers with respect to the price, quality and reliability of essential services, and must also have regard to the need to:*

- a) promote competitive and fair market conduct;*
- b) prevent misuse of monopoly or market power;*
- c) facilitate entry into relevant markets;*
- d) promote economic efficiency;*
- e) ensure consumers benefit from competition and efficiency;*
- f) facilitate maintenance of the financial viability of regulated industries and the incentive for long term investment;*
- g) promote consistency in regulation with other jurisdictions.*

*If the applicant believes that information about their application would assist the Commission in its consideration of these factors, the applicant should provide such information below.*

S.A. state government's water security plan, "Water for Good", sets ambitious targets for the harvesting and recycling of stormwater in Greater Adelaide and regional areas. The vast majority of stormwater harvesting is undertaken by Councils and it would be a distorted policy outcome if Councils were encumbered by a regulatory regime which creates disincentives for harvesting and recycling and selling stormwater resources.

Care should be taken by State Government and its agencies to ensure that where Councils are involved in Stormwater harvesting, recycling and sale of this resource; that regulation is commensurate with the scale of the scheme and that there is alignment between state and municipal objectives.

## 5. APPLICATION FEES

Applicants for a licence must pay the Commission an application fee which is fixed by the Treasurer. Please enclose this fee with the application. An application cannot be considered until this fee has been received.

## 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

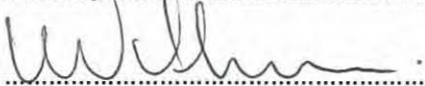
I            Mark Withers Chief executive Officer

Of           72 Woodville Rd Woodville 5011

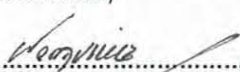
do solemnly and sincerely declare that the information contained in this Application for the issue of a licence to authorise the provision of retail services in the water industry in South Australia is true and correct to the best of my knowledge information and belief.

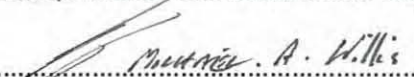
And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Date ..... 6/11/2012 .....

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: .....  ..... this ..... 6 ..... day of ..... 11 ..... 2012 .....

Before me: .....  .....

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

**M. A. WILLIS**  
**JUSTICE OF THE PEACE**  
**NO. 20496**

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

Level 8, 50 Pirie Street Adelaide SA 5000

GPO Box 2605 Adelaide SA 5001

T 08 8463 4444 | F 08 8463 4449

E [escosa@escosa.sa.gov.au](mailto:escosa@escosa.sa.gov.au) | W [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au)

