



**NEW SOUTH WALES
GOVERNMENT**

WATER INDUSTRY COMPETITION ACT 2006

RETAIL SUPPLIER'S LICENCE

**Pitt Town Water Factory Pty Ltd
(ACN 141 705 660)**



New South Wales

Water Industry Competition Act 2006

**Grant of Retail Supplier's Licence
Licence No. 10_015R**

I, Phillip Costa MP, Minister for Water, under section 10 of the *Water Industry Competition Act 2006*, grant a retail supplier's licence to:

Pitt Town Water Factory Pty Ltd (ACN 141 705 660)

to supply water and provide sewerage services by means of water industry infrastructure.

Subject to:

- a) the conditions imposed by the *Water Industry Competition Act 2006*,
- b) the conditions imposed under clause 13(a) and set out in Parts 1, 2 and 3 of Schedule 2 of the *Water Industry Competition (General) Regulation 2008*,
- c) the conditions imposed by the Minister in the attached Schedule A, and
- d) the standard conditions imposed by the Minister in the attached Schedule B being standard Ministerially-imposed licence conditions for retail suppliers in the water industry.

A handwritten signature in blue ink, reading "Phillip Costa", written over a dotted line.

Minister for Water

Dated this 11th day of November 2010

ATTACHMENT C
Amendments to Retail Supplier's licence conditions



New South Wales

Water Industry Competition Act 2006

Variation of licence conditions
Retail Supplier's Licence No. 10_015R

I, Greg Pearce MLC, Minister for Finance and Services, under section 15 of the *Water Industry Competition Act 2006*, make the following variation to the licence conditions of the Retail Supplier's licence granted to Pitt Town Water Factory Pty Ltd (ACN 141 705 660):

- a) Amend Retail Supplier's Licence No 10_015R condition **A1, Table 1.1 Authorised persons** and condition **A2, Table 2.1 Authorised persons** to delete "None" and insert "Water Factory Company Pty Ltd (ACN 136 272 298)".
- b) Amend Retail Supplier's Licence No 10_015R to insert condition "**B10 Notification of changes to Authorised person** If an Authorised Person ceases, proposes to cease or receives notification to cease providing any of the services relating to the activities authorised by this Licence, the Licence Holder must provide IPART with written notice as soon as practicable and in any event no later than 28 days prior to the date of cessation of the services. Such written notice must include details of how the services previously undertaken by the Authorised Person will continue to be undertaken."

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Minister for Finance and Services

Dated this day of 20

SCHEDULE A - SPECIAL MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR PITT TOWN WATER FACTORY PTY LTD RETAIL SUPPLIER'S LICENCE

This schedule sets out the conditions which the Minister has determined to impose pursuant to section 13(1)(b) of the *Water Industry Competition Act 2006*. In addition to these Ministerially-imposed conditions, licensees are subject to obligations imposed by the Act, the Regulation and the standard Ministerially-imposed licence conditions set out in Schedule B. Licensees are encouraged to obtain independent advice as to the conditions and obligations of their licence. The Minister may vary the conditions in this schedule or impose new conditions, provided there is no inconsistency with the Act or the Regulation.

A1 Activities authorised – non-potable water supply

This Licence authorises the Licence Holder and the persons specified in Table 1.1 to supply non-potable water by means of water industry infrastructure specified in Table 1.2 for the purposes as specified in Table 1.3 to the persons or classes of persons specified in Table 1.4 within the area specified in Table 1.5, subject to the conditions imposed by or under the Act, the Regulation and this Licence.

Table 1.1 Authorised persons

Water Factory Company Pty Ltd (ACN 136 272 298)

Table 1.2 Specified water industry infrastructure

Infrastructure for the production, treatment, filtration, storage, conveyance or reticulation of non-potable water

Table 1.3 Authorised purposes

Irrigation
Toilet flushing
Car washing
Wash down of hard surfaces
Supply of cold water to washing machine

Table 1.4 Specified persons or classes of persons

Any person or classes of person within the area of operations specified in table 1.5

Table 1.5 Specified area of operations

The area bordered by Old Stock Route Road, Railway Road, Hawkesbury Valley Way, MacQuarie Street and the Hawkesbury River in Pitt Town, Hawkesbury, NSW.

A2 Activities authorised – provide sewerage services

This Licence authorises the Licence Holder and the persons specified in Table 2.1 to provide sewerage services by means of water industry infrastructure specified in Table 2.2 for the purposes as specified in Table 2.3 to the persons or classes of persons specified in Table 2.4 within the area specified in Table 2.5, subject to the conditions imposed by or under the Act, the Regulation and this Licence.

Table 2.1 Authorised persons

Water Factory Company Pty Ltd (ACN 136 272 298)

Table 2.2 Specified water industry infrastructure

Infrastructure used for the treatment, storage, conveyance or reticulation of sewage, including any outfall pipe or other work that stores or conveys water leaving the infrastructure

Table 2.3 Authorised purposes

Provision of sewerage services

Table 2.4 Specified persons or classes of persons

Any person or classes of person within the area of operations specified in table 1.5

Table 2.5 Specified area of operations

The area bordered by Old Stock Route Road, Railway Road, Hawkesbury Valley Way, MacQuarie Street and the Hawkesbury River in Pitt Town, Hawkesbury, NSW.

A3 Retail arrangements

A3.1 Before commencing to supply water or provide sewerage services under this Licence, the Licence Holder must prepare and provide IPART with a report to IPART's satisfaction outlining:

- (a) the arrangements it has in place in relation to billing customers, including at least the following:
 - i. the identity of the person who will undertake billing services; and
 - ii. a description of the billing system;
- (b) the processes the Licence Holder has in place to enable the transfer of customers (if applicable); and
- (c) the Curriculum Vitae of the key personnel involved in the operation and management of the activities authorised by this Licence.

A3.2 Before commencing to supply water or provide sewerage services under this Licence, the Licence Holder must provide to IPART a statement identifying any third party providing customer services under this Licence and outlining the enforceable controls the Licence Holder has in place to enable it to effectively respond to any suspected breaches of these Licence conditions.

INTERPRETATION AND DEFINITIONS

Interpretation

In these Licence conditions, 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 these Licence conditions;
- (c) a reference to a document includes the document as modified from time to time and any document replacing it;
- (d) the word "person" includes a natural person and any body or entity whether incorporated or not;
- (e) references to clauses are references to clauses in these Licence conditions.

Definitions

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

In these Licence conditions:

Act	means the <i>Water Industry Competition Act 2006</i>
Licence Holder	means the person who is the holder of this Licence
Minister	means the Minister responsible for Part 2 the Act
Regulation	means the <i>Water Industry Competition (General) Regulation 2008</i>

SCHEDULE B - STANDARD MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR PITT TOWN WATER FACTORY PTY LTD RETAIL SUPPLIER'S LICENCE

This schedule provides a comprehensive list of standard conditions which the Minister has determined to impose pursuant to section 13(1)(b) of the *Water Industry Competition Act 2006*. In addition to these standard Ministerially-imposed conditions, Licence Holders are subject to obligations imposed by the Act, the Regulation and the Ministerially-imposed licence conditions set out in Schedule A. Licence Holders are encouraged to obtain independent advice as to the conditions and obligations of their licence. The Minister may vary the conditions in this schedule or impose new conditions, provided there is no inconsistency with the Act or the Regulation.

B1 Ongoing capacity to operate

The Licence Holder must have the technical, financial and organisational capacity to carry out the activities authorised by this Licence. If the Licence Holder ceases to have this capacity, it must report this to IPART immediately.

B2 Obtaining appropriate insurance

B2.1 Before commencing to operate water industry infrastructure under this Licence, the Licence Holder must:

- (a) obtain appropriate insurance sufficient for the size and nature of the activities authorised under this Licence,
- (b) demonstrate that the insurance obtained is appropriate by providing a report to IPART from an Insurance Expert certifying that in the Insurance Expert's opinion the type and level of insurance obtained by the Licence Holder is appropriate for the size and nature of the activities authorised under this Licence, and
- (c) provide a copy of each certificate of currency of insurance obtained to IPART.

B2.2 The report from the Insurance Expert must:

- (a) identify the key risks of undertaking the activities authorised under this Licence,
- (b) set out the types and levels of insurance obtained by the Licence Holder in relation to the activities being undertaken,
- (c) provide reasons as to why the types and levels of insurance are appropriate for the size and nature of the activities being undertaken, and
- (d) if any risks arising from undertaking the activities remain uninsured, provide reasons as to why.

B3 Maintaining appropriate insurance

B3.1 The Licence Holder must maintain appropriate insurance sufficient for the size and nature of the activities authorised under this Licence.

B3.2 From time to time when requested in writing by IPART, the Licence Holder must provide a report to IPART, in the manner, form and time specified by IPART, from an Insurance Expert certifying that in the Insurance Expert's opinion the type and level of insurance obtained by the Licence Holder is appropriate for the size and nature of the activities authorised under this Licence.

B3.3 Whenever there is a change in the type, level or period of insurance held by the Licence Holder in relation to the activities authorised under this Licence, the Licence Holder must provide a copy of the certificate of currency to IPART within 10 days of the change being made.

B4 Complying with NSW Health requirements

The Licence Holder must carry out the activities authorised by this Licence in compliance with any requirements of NSW Health that IPART has agreed to and are notified from time to time to the Licence Holder by IPART in writing.

B5 Reporting in accordance with the Reporting Manual

The Licence Holder must prepare and submit reports in accordance with the applicable Reporting Manual issued by IPART and available from IPART's website www.ipart.nsw.gov.au.

B6 Reporting information in relation to the Register of Licences

Whenever any of the following information changes, the Licence Holder must provide the updated information to IPART within 14 days of the change:

- (a) each licensed network operator or public water utility from whose water industry infrastructure the Licence Holder supplies water to its customers,
- (b) each source from which the water handled by the water industry infrastructure is derived,
- (c) whether or not any of the Licence Holder's customers are small retail customers,
- (d) details of any order under section 54 of the Act by which the Licence Holder is declared to be a retailer of last resort.

B7 Provision of copy of plan

B7.2 Whenever the Licence Holder makes a significant change to its Plan, the Licence Holder must provide a copy of the amended Plan to IPART at the same time it provides a copy to the approved auditor engaged to provide a report as to the adequacy of the changed Plan as required under the Regulation.

B8 Sufficient quantities

The Licence Holder must ensure that sufficient quantities of the water supplied by the Licence Holder to its customers have been obtained otherwise than from a public water utility.

B10 Notification of changes to Authorised person

If an Authorised Person ceases, proposes to cease or receives notification to cease providing any of the services relating to the activities authorised by this Licence, the Licence Holder must provide IPART with written notice as soon as practicable and in any event no later than 28 days prior to the date of cessation of the services. Such written notice must include details of how the services previously undertaken by the Authorised Person will continue to be undertaken.

INTERPRETATION AND DEFINITIONS

Interpretation

In these Licence conditions, unless the context requires otherwise:

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- (b) headings are used for convenience only and do not affect the interpretation of these Licence conditions;
- (c) a reference to a document includes the document as modified from time to time and any document replacing it;
- (d) the word “person” includes a natural person and any body or entity whether incorporated or not;
- (e) references to clauses are references to clauses in these Licence conditions.

Definitions

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

In these Licence conditions:

Act	means the <i>Water Industry Competition Act 2006</i>
Gazette	means the NSW Government Gazette
Insurance Expert	means an independent reputable insurer registered with the Australian Prudential Regulation Authority
IPART	means the Independent Pricing and Regulatory Tribunal of New South Wales established under the <i>Independent Pricing and Regulatory Tribunal Act 1992</i>
Licence	means the network operator's licence / retail supplier's licence authorising the Licence Holder to construct, maintain and operate water industry infrastructure / supply water or provide sewerage services by means of water industry infrastructure in accordance with section 10 of the Act
Licence Holder	means a person who is the holder of a Licence
Minister	means the Minister responsible for Part 2 of the Act
NSW Health	means the NSW Department of Health
Plan	means any retail supply management plan required to be prepared by a Licence Holder under the Regulation
Regulation	means the <i>Water Industry Competition (General) Regulation 2008</i>
Reporting Manual	means the applicable Network Operator's Reporting Manual or Retail Supplier's Reporting Manual as produced by IPART and available on IPART's website www.ipart.nsw.gov.au