



**NEW SOUTH WALES  
GOVERNMENT**

*WATER INDUSTRY COMPETITION ACT 2006*

**RETAIL SUPPLIER'S LICENCE**

**Veolia Water Solutions & Technologies  
(Australia) Pty Ltd  
(ACN 055 254 003)**



**New South Wales**

***Water Industry Competition Act 2006***

**Variation of licence conditions  
Retail Supplier's Licence No. 10\_013R**

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 Veolia Water Solutions and Technologies (Australia) Pty Ltd (ACN 055 254 003):

- a) Amend Retail Supplier's Licence No 10\_013R condition **A1, Table 1.1 Authorised persons**, condition **A2, Table 2.1 Authorised persons** and condition **A3, Table 3.1 Authorised persons** to delete "Not applicable" and insert "DLL Wilton Pty Limited (ABN 31 110 022 976).
- b) Amend licence condition **A4 Commencement of supply** of Retail Supplier's Licence No 10\_013R to delete "By 17 May 2011" and insert "Within 28 days after written notification is provided to the Licence Holder that DLL Wilton Pty Limited (ABN 31 110 022 976) has been included as an authorised person under this Licence."

A handwritten signature in black ink, appearing to read 'Greg Pearce', written over a dotted line.

Minister for Finance and Services

Dated this 10<sup>th</sup> day of June 20 11

**SCHEDULE A - SPECIAL MINISTERIALLY-IMPOSED LICENCE CONDITIONS  
FOR VEOLIA WATER SOLUTIONS & TECHNOLOGIES(AUSTRALIA) 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 – sewerage services**

This Licence authorises the Licence Holder and the persons specified in Table 1.1 to provide sewerage services 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**

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DLL Wilton Pty Limited (ABN 31 110 022 976)

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**Table 1.2 Specified water industry infrastructure**

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Infrastructure used for the storage, conveyance or reticulation of sewage and infrastructure used for the treatment of up to 400 kilolitres of sewage per day.

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**Table 1.3 Authorised purposes**

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Provision of sewerage services

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**Table 1.4 Specified persons or classes of persons**

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Owners and occupiers of sites and premises within the specified area of operations set out in Table 1.5.

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**Table 1.5 Specified area of operations**

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Land situated under Folio Identifiers DP 270536, DP 1104390, DP 280010, DP 280014 and DP 1108927 known as the Wilton Parklands – Bingara Gorge.

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**A2 Activities authorised – water supply services – toilet flushing and garden irrigation**

This Licence authorises the Licence Holder and the persons specified in Table 2.1 to supply water 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**

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DLL Wilton Pty Limited (ABN 31 110 022 976)

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**Table 2.2 Specified water industry infrastructure**

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Infrastructure used for the storage, conveyance or reticulation of non-potable water but not infrastructure used for the treatment of non-potable water.

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**Table 2.3 Authorised purposes**

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Toilet flushing

Garden irrigation

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**Table 2.4 Specified persons or classes of persons**

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Owners and occupiers of sites and premises within the specified area of operations set out in Table 2.5.

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**Table 2.5 Specified area of operations**

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Land situated under Folio Identifiers DP 270536, DP 1104390, DP 280010, DP 280014 and DP 1108927 known as the Wilton Parklands – Bingara Gorge.

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### **A3 Activities authorised – water supply services – golf course irrigation**

This Licence authorises the Licence Holder and the persons specified in Table 3.1 to supply water by means of water industry infrastructure specified in Table 3.2 for the purposes as specified in Table 3.3 to the persons or classes of persons specified in Table 3.4 within the area specified in Table 3.5, subject to the conditions imposed by or under the Act, the Regulation and this Licence.

#### **Table 3.1 Authorised persons**

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DLL Wilton Pty Limited (ABN 31 110 022 976)

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#### **Table 3.2 Specified water industry infrastructure**

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

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#### **Table 3.3 Authorised purposes**

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Golf course irrigation

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#### **Table 3.4 Specified persons or classes of persons**

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Owners and occupiers of sites and premises within the specified area of operations set out in Table 3.5.

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#### **Table 3.5 Specified area of operations**

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Land situated under Folio Identifiers DP 1108927 and DP 1104390 known as the Recycled Water Treatment Plant and Bingara Gorge Golf Course in addition to the corridor of property associated with the reticulation, conveyance and storage infrastructure between the two sites.

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### **A4 Commencement of supply**

Within 28 days after written notification is provided to the Licence Holder that DLL Wilton Pty Limited (ABN 31 110 022 976) has been included as an authorised person under this Licence, the Licence Holder must:

- (a) commence supply of sewerage services by means of water industry infrastructure as authorised under section A1; and
- (b) commence supply of water by means of water industry infrastructure as authorised under sections A2 and A3.

## 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>
Small Retail Customer	has the meaning given to that term in the Regulation
Sydney Water Operating Licence	means the operating licence of Sydney Water Corporation as renewed, updated, replaced or varied from time to time

## **SCHEDULE B - STANDARD MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR VEOLIA WATER SOLUTIONS & TECHNOLOGIES(AUSTRALIA) 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.

B2.1 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 the 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](http://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**

B7.1 Whenever the Licence Holder makes any change to its Plan, the Licence Holder must provide a copy of the amended Plan to IPART.

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.

### **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>
Gazette	means the NSW Government Gazette
Insurance Expert	means an independent reputable insurer registered with the Australian Prudential Regulation Authority or an independent reputable insurance broker registered under the <i>Insurance (Agents and Brokers) Act 1984 (Cth)</i>
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 <a href="http://www.ipart.nsw.gov.au">www.ipart.nsw.gov.au</a>