

Utilities (Licensing) Exemption 2021

Disallowable instrument DI2021–24

made under the

Utilities Act 2000, s 22 (Exemptions)

1 Name of instrument

This instrument is the *Utilities (Licensing) Exemption 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Exemption

- (1) I exempt Queanbeyan-Palerang Regional Council from the requirement for a licence in relation to the provision of the following utility services:
 - a) making a sewerage network available for the provision of sewerage connection services;
 - b) a sewerage connection service;
 - c) a sewerage service.
- (2) This exemption is subject to the conditions described in clause 5 of this instrument.

4 Purpose

To exempt the Queanbeyan-Palerang Regional Council from the requirement to hold a utility licence for sewerage services provided in the ACT including at the Queanbeyan Sewerage Treatment plant located at Mountain Road, Oaks Estate, ACT.

5 Conditions

Queanbeyan-Palerang Regional Council is exempt from the requirement for a licence in relation to the above utility services on the basis that it complies with the conditions detailed below:

- (a) Queanbeyan-Palerang Regional Council must submit an application and a regulatory plan to the Technical Regulator for an operating certificate under the *Utilities (Technical Regulation) Act 2014* for the

existing utility services within two months of the commencement of this instrument;

- (b) Queanbeyan-Palerang Regional Council must, on application by a customer located in the Australian Capital Territory within 3.2 kilometres of the Queanbeyan Sewage Treatment Plant, connect and provide a sewerage service where a customer can reasonably expect to connect to that service, with connection costs to be paid by the customer;
- (c) Queanbeyan-Palerang Regional Council must provide the Technical Regulator with copies of any reports or data submitted to the NSW Department of Planning, Industry and Environment (or its successor) relating to the performance of its sewerage service;
- (d) Queanbeyan-Palerang Regional Council authorises the NSW Department of Planning, Industry and Environment (or its successor), NSW Environment Protection Authority and ACT Environment Protection Authority to provide the Technical Regulator with a copy of any correspondence relating to the operation of the sewage treatment system or a sewer overflow;
- (e) Queanbeyan-Palerang Regional Council authorises the Technical Regulator to provide the NSW Department of Planning, Industry and Environment (or its successor) with a copy of any correspondence relating to a regulatory matter relevant to its sewerage service;
- (f) Queanbeyan-Palerang Regional Council must keep all records and documents necessary to enable it to meet any reporting requirements or any requirement to produce a record or document under the *Utilities Act 2000* or another condition of this instrument.
- (g) As at August 2020, Queanbeyan-Palerang Regional Council has advised the Territory that it is progressing plans to upgrade the sewage treatment plant and associated facilities. Until the planned upgraded sewage treatment plant is commissioned, Queanbeyan-Palerang Regional Council must provide the Technical Regulator with a report once per calendar year regarding the progress of the application for approval and during construction and commissioning under Section 60 of the *NSW Local Government Act 1993*. Each annual report is due by 30 September for the proceeding financial year. The first annual report is due by 30 September 2021.

Shane Rattenbury MLA
Minister for Water, Energy and Emissions Reduction
8 February 2021