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## **INVITATION FOR PUBLIC SUBMISSIONS – SECOND ROUND AMENDMENT TO WATER CORPORATION'S OPERATING LICENCE 32**

Dear Phil,

### **1 Executive Summary**

#### **1.1 The Application**

By letter dated 10 May 2010, the Water Corporation (Corporation) requested an extension of its potable and non potable water and sewerage operating areas (Operating Area) to match the Controlled Areas for potable and non potable water, and sewerage supply (Application). The amendment, if approved by the ERA, would be made to the Corporation's Water Services Operating Licence 32 (OL8) (11 March 2010) (Operating Licence).

The Application seeks to overcome the administrative burdens and costs associated with prior piecemeal amendments to its Operating Licence, in a manner that reinforces the ultimate goals of establishing a competitive water market and encouraging future expansion and development of clean, healthy and efficient water services.

As detailed in part 2, the Corporation considers that the Application:

- (1) is consistent with, and supports, Western Australian water policy and strategy;
- (2) facilitates future development in the State through reducing administrative burdens, delays and costs;
- (3) facilitates prompt expansion of services to remote areas, when requested of the Corporation; and
- (4) reduces administrative costs on the ERA and the Corporation.

In accordance with section 31(1a) of the Water Services and Licensing Act 1995 (WA) (WSL Act), the ERA cannot amend a licence where that amendment would be contrary to the public interest. In considering the public interest, the ERA *may* take into account *one or more* of the matters referred to in section 19(1)(b), as addressed in our Application.

## **1.2 Responses to the Application**

Three responses were received to the ERA's initial call for public comment, of which two, from Aqwest (Bunbury) and Busselton Water were supportive of the amendment. The third, by letter dated 1 July 2010 from the Director, Strategic Policy and Water Services, Department of Water (DoW) requested that the ERA reject the Application (DoW Letter).

The ERA has called for a second round of comments in relation to the Corporation's Application.

## **1.3 Basis of DoW's objection**

The DoW Letter does not provide great detail as to the basis of its objections though we have set out our understanding of DoW's objections in part 3 below. We consider that the DoW's objections are founded on a misunderstanding of the scope and impact of the Application, and fail to appreciate the full benefits of the Application.

An underlying principle of DoW's objections appears to be an alleged inconsistency of the Application with "current policy and practice" regarding the identification of operating areas, which flows from (is "consistent with") a licensee's obligation to provide water services as a condition of its licence. We do not consider that these themes within the DoW Letter accurately reflect any established policy or pattern in practice.

We consider that the scope of DoW's objections can be summarised in two limbs, to the effect that the Application should be declined as it:

- (1) provides insufficient detail about the scope of the services to be provided or an intention to provide specific services; and
- (2) will discourage competition in the market.

The scope of the DoW Letter is similar to its objections to previous applications by the Corporation to expand its Operating Area. In each of those previous cases the ERA has expressly not accepted objections on these grounds.

## **1.4 Application of section 31(1a) – the ERA position**

Attachment 1 provides an overview some of the ERA's determinations on past applications of the Corporation to extend its Operating Area.

Notably, past ERA approvals have not been limited to instances where the application by the Corporation responds to specific development applications. For instance, in 2005 the ERA approved the alignment of the boundaries of the

metropolitan Operating Area with the boundaries for the Western Australian Planning Commission's Metropolitan Region Scheme, in effect doubling the area presently licensed to the Corporation within the metropolitan area. This Application is made on a similar basis to the 2005 amendment.

The ERA has concluded that the first limb of DoW's objection is not a relevant consideration as the specific details of services and works are to be provided by developers when specific services are sought, not the Corporation as part of an application to amend the Operating Licence.

The ERA has similarly dismissed the second limb of DoW's objection on the basis that, because licences are for non-exclusive operating areas, the DoW's concerns about market competition are misplaced.

As part of the ERA's decision in 2005, the ERA changed all operating areas to be licensed non-exclusively. This comprehensively addresses concerns, raised in relation to that application, about extending Operating Areas having the potential to diminish competition in the water services industry market. This change in approach to the exclusivity of operating licences has effectively been ignored in DoW's objection.

In its 2005 decision, the ERA noted that it "accepted that there are benefits to the public in having a service provider responsible for long term planning of potable water supply services and sewerage services" in the extended area the subject of that application.

DoW's objections in this context, as explored further in paragraph 3.5, effectively seeks to restrict the Corporation's ability to compete on the basis of efficiency. The objective appears to be to entrench inefficiency on the basis of fostering a competitive market.

The Corporation rejects this as a valid expression of the public interest and considers that the Application provides a map for its competitors to also remove the inefficiency targeted by the Application.

## **1.5 Structure of our response**

The structure of our submission below is as follows:

- In part 2 we explore the benefits of the Application; and
- In part 3 we have addressed the objections raised by DoW.

In short, we do not consider that the Application differs in principle from previously approved extensions to the Operating Area.

While the Corporation appreciates that each application is to be considered on its merits, the Application is consistent with the principles and policies applied by the ERA in approving extensions to an Operating Area. The intention is to provide tangible benefits to the public, the ERA, the Corporation and developers, as well as to other water boards in their respective operating areas, by aligning operating areas with Controlled Areas.

With respect, the Corporation has not been able to discern any compelling evidence that the Application is contrary to the public interest. Absent such material the Application ought to be approved.

## **2. Reasons for the Application**

The Application is a positive step towards ensuring consistency and continuity of healthy water supply in Western Australia in accordance with the State's water policies and practices, in part by improving the efficiency of the licensing framework under the WSL Act.

Other water boards recognise the benefits available from alignment of their operating areas to the relevant Controlled Areas, as recognised in the submissions from Aqwest and Busselton Water.

The Corporation freely acknowledges that the Application represents a shift from some previous proposals to change boundaries in response to a particular development need. It is intended to improve the process for development by reducing the administrative burdens encountered by developers when seeking to connect to water supply and/or sewerage services in a Controlled Area outside the Operating Area. This change is part of the Corporation's efforts to streamline the process for undertaking development in the State and ultimately facilitates future development. The alignment of boundaries would enable the Corporation to work proactively with developers in facilitating future development.

In addition to the original Application which address the elements relevant to determining whether an application is contrary to the public interest, we considered that the ERA may be assisted by the following with respect to the benefits of the Application.

### **2.1 Water Corporation**

The Operating Area has been extended in a piecemeal fashion with at least annual amendments since 2004 through application to the ERA, both in response to specific development proposals and in anticipation of development.

As outlined in the Application, a significant amount of time is required from the Corporation to seek approval for relatively minor changes to the Operating Area in response to individual development applications. Whenever an application is made for a new Corporation service outside the Operating Area, but within a Controlled Area (which many development applications are), the Corporation will necessarily have to apply to the ERA to amend the Operating Area in addition to considering the application for the new service. It involves delay and cost, which contributes to the Corporation's cost base and the prices it must pass through for provision of services.

As such the Corporation considers that the Application is a prudent step that anticipates rather than reacts to development. The Corporation is required to act in accordance with prudent commercial principles under section 30(1) of the Water Corporation Act 1995 (WA) (WC Act).

The Corporation has established a number of systems and processes to monitor and demonstrate compliance with the requirement that water services can only be provided within the Operating Area. This Application would sensibly remove some of that cost, without compromising the transparency of the Corporation's service provision to the public.

## **2.2 ERA**

The ERA's involvement with the process for managing the Operating Area includes both coordination of the applications to extend that area and administration to ensure ongoing compliance with the requirements that services are only provided in the Operating Area.

These are both necessary but, in the Corporation's submission, could be achieved at lower cost by approving extensions to Operating Areas such as this which reasonably anticipate multiple developments, rather than addressing each individually. No discernible public benefit arises from the current individual reviews.

The DoW Letter "recognises the administrative burden that licence amendments impose on the Water Corporation and the Economic Regulation Authority (ERA) and DoW supports full and transparent investigation of options for streamlining processes".

No such proposal is advanced by DoW – there is a mere acknowledgment of the problem without any solution. In the Corporation's submission, the extension of the Operating Area to reflect the Controlled Area represents a proportionate response to these administrative burdens, without a cost in terms of public interest.

## **2.3 Development Industry**

The Corporation has already endeavoured to streamline the requirements for water, sewerage and urban drainage developments to address the concerns of developers. However the development process remains stagnated by the initial hurdle of expanding the Operating Area on each occasion (which usually involves at least a 3 month delay). Delay inevitably translates to an element of cost for developers which could reasonably be expected to be passed through to ultimate purchasers.

The delineation of the Controlled Areas anticipates the focus for future development by reason of proximity to town centres and existing infrastructure. The Application facilitates prompt development with access to water and sewerage infrastructure in the Controlled Areas where there is currently cumbersome administrative burdens for extending the Corporation's services.

The Application streamlines and reduces the administrative burden without detrimental impact to the water industry as a whole.

### **3 Response to DoW's objections**

#### **3.1 DoW's Objections**

Our understanding is that the DoW's objections (in the order as they appear in the DoW Letter) are (Objection 1 - 6):

- (1) current policy and practice is that "an operating area should be equated to an area of service with a margin for growth to accommodate areas where the service provider envisages providing a service in a reasonable timeframe";
- (2) it is not possible to assess the impact on public interest without information or assessment as to how and where services will be provided and the potential impacts this may have;
- (3) well defined operating areas ensure that service provision will be better aligned with urban planning processes and with planning to ensure water supply security and adequate services;
- (4) perception of preferred service provider thereby discouraging market competition;
- (5) financial and technical ability of a service provider cannot be assessed as required under section 23(a) of the WSL Act when the scale of services is not indicated; and
- (6) the Application amounts to a change in policy for determining Operating Areas, whereby an intention to provide services would no longer to be the basis for determining operating area boundaries with (based on point (a) above) a margin for growth to accommodate future services envisaged by the provider.

As indicated in the Executive Summary, it would appear that there are generally two key limbs underlying these objections (being issues as to the detail of future services to be provided and the implications for market competition). We will now address each objection separately in the context of the ERA's demonstrated approach.

#### **3.2 Objection 1 and 6: Policy and Practice**

##### **(a) Operating Areas and exclusivity**

The DoW's primary objection to the Application relies on an alleged inconsistency with "current policy and practice" (Objection 1) where the DoW Letter suggests that the Application represents a change to current policy (Objection 6).

We consider that the Application:

- (1) is not inconsistent with DoW's interpretation of current policy and practice, which has informed the Objections, and as summarised in Objection 1; and
- (2) in any event, it is not clear that DoW's interpretation accurately reflects any established policy or pattern in practice.

The Application is not inconsistent with DoW's interpretation of policy as the Application seeks approval for an Operating Area which reflects a margin for growth (being Controlled Areas) which are envisaged as areas for likely development. The DoW letter does not suggest that the ERA should only approve

extensions in response to a specific development proposal, only that the service provider should envisage providing services in the area in a reasonable timeframe.

In any event, we are not aware of any policy or other documentation that conforms with this statement of apparent policy by DoW, nor examples in practice as to how this is incorporated into the ERA's determination of operating areas. The approach of the ERA in the past to the Corporation's applications to extend the Operating Area has not adopted this language and indeed has rejected objections based on this type of notion from DoW.

Other key market competitors agree with the Corporation as to the benefits of aligning operating and controlled areas.

The principle of non-exclusivity precludes an emphasis on boundaries of any operating area, thus negating DoW's assertion regarding the policy and practice applied to determining operating areas.

Finally, the Corporation considers that the ERA should be guided by its statutory framework for considering amendments, rather than assertions as to the current government policy.

**(b) Operating Areas and intention to provide services**

DoW has suggested that further detail as to how and where the services will be provided is required for the ERA to consider the impact on the public interest, and that the ERA should determine the boundaries of an operating area by reference to specific intentions of the licensee to provide water services (Objection 2 and 6).

The ERA has consistently held that it is not necessary for services to be identified by the Corporation to extend the Operating Area, including in instances where there were no specific works contemplated and the area was extended refer in particular to the ERA decisions dated: 20 June 2005 (INSERT INFO).

Notably, the DoW does not actually contend that extending the Operating Area would be contrary to the public interest. It simply says it cannot assess the question.

This appears to misconstrue the task of the ERA as requiring it to form a positive view that the amendment is in the public interest before approving that amendment. The WSL Act does not impose such an onus on the ERA, but rather constrains the ERA from approving an amendment where it forms the view that the amendment would be contrary to the public interest.

**(c) Obligation to provide water services**

DoW links its assertion of current policy and practice to an unqualified obligation on all licensee's to provide water services as a condition of the licence.

Extension of the Operating Area does not mandate that services are to be provided in that area, or that future services must be provided by the Corporation in that area. Rather it facilitates, for those that apply to the Corporation for connection to its services, the ability to be connected, without a specific extension to the Operating Area being approved.

The Corporation is to provide water services in accordance with its Operating Licence and other relevant instruments, including the WSL Act and the Water Corporation Act. Together these obligations do not impose an obligation to provide water services to every person in the Operating Area.

Under clause 2.1 of the Operating Licence, the Corporation is granted a non-exclusive licence to provide the water, sewerage, drainage and irrigation services to the Operating Area, in accordance with the terms and conditions of the licence.

Clause 20.1 requires that the Corporation comply with the service and performance standards set out in Schedule 4 of the licence.

Controlled Areas represent areas of the State for which water services can only be provided in accordance with a licence obtained under the WSL Act. The extension of the Operating Area to these boundaries anticipates development within these boundaries. Controlled Areas are largely coterminous with areas identified for future development and alignment of the Operating Area to these boundaries ensures that service provision will be better aligned with urban planning processes to ensure water supply security and adequate services (contrary to DoW's objection).

### **3.3 Objection 2: Public Interest**

As noted above, the WSL Act does not require the ERA to form a positive view that the amendment is in the public interest, rather it cannot approve the amendment if it forms the positive view that it is contrary to the public interest. The DoW Letter does not contend that the amendment is contrary to the public interest.

As outlined in the original Application, the Corporation has detailed the merits of this Application as against, and in excess of, the requirements of sections 31(1a) and 19(1)(b). For the reasons detailed in this submission, there is no compelling evidence as to why the Application should not be approved.

The ERA has not previously required information or assessment as to how and where services will be provided in considering Operating Area expansion.

Specifically the ERA has said the following with respect to the degree of detail required of applications from the Corporation to extend the Operating Area:

- (1) ~~“project developers are responsible for undertaking appropriate local consultations on the project and for acquiring all planning approvals prior to commencing construction”~~ (see ERA approval dated 13/07/2007 and 08/01/2008); and
- (2) “the [WSL] Act does not require licensees to specify particular water services works to be undertaken in an operating area as a precondition to having this operating area identified in its licence” (see ERA approval dated 08/01/2008).

Despite DoW's objections in the above cases, the application to amend was approved, on the basis that the ERA did not find that it was contrary to the public interest. Moreover the Corporation has gone further and identified a number of reasons why the ERA can safely conclude that the Application is in the public



interest, including the reduction in administrative burdens confronted by developers, licensees and the ERA and strengthening the continuity of a healthy, efficient and viable water service to WA in Controlled Areas.

### **3.4 Objection 3: Planning Processes – reactionary not proactive**

DoW suggest that “[w]ell defined operating areas for a water service provider assist in ensuring that service provision will be better aligned with urban planning processes and with planning to ensure water supply security and adequate services” (Objection 3).

The Corporation, as a water service provider licensed under the WSL Act, is currently in the position of having to react to development applications that require extension of its Operating Area. A licensee is not the driver of growth and is rarely in a position to facilitate development.

The Application promotes and facilitates more efficient planning and development processes for both public and private sector applicants and decision-makers, and ultimately for the community at large, by removing an entirely unnecessary and purely responsive administrative burden.

Refer also to part 3.2(a) for detail as to how the Application better aligns the Operating Area with planning processes by removal of administrative burdens.

### **3.5 Objection 4: Discourages market competition – preferred service provider**

As to Objection 4, the ERA has consistently recognised that operating areas are non-exclusive, and extension of a licence operating area does not therefore prevent other water service providers providing a service in the area.

In approving an extension of the Corporation’s Capel Sewerage Services Operating Area to accommodate a new development in July 2007 the ERA noted:

“As a consequence of the Water Corporation’s Metropolitan Operating boundary amendment in June 2005 to grant all subsequent amendments for licensees on a non-exclusive basis, the decision to rationalise the Water Corporation’s boundaries on this occasion does not prevent new entrants entering the market.”

Further, in February 2010 in response to an application to extend the Operating Area, the ERA summarised its position as follows:

“The Authority did not consider that the Water Corporation is using its market power to secure an enduring exclusive right to service the area in the future. As all operating areas are non-exclusive, this extension does not prevent other entrants from providing services to this operating area.”

In both cases, the ERA found that approval of the requests would not be contrary to the public interest.

DoW’s primary concern is that an extension of the Operating Area as proposed in the Application will provide the Corporation with a competitive advantage over

other providers and will discourage competition in the market. In effect, the DoW Letter acknowledges that the extension to the Operating Area would provide a more efficient development path for water and sewerage users, but that it is anti-competitive for the Corporation to compete on the basis of efficiency. Or to put it another way, it is in the interests of competition in the water market to 'institutionalise' inefficiency.

Perhaps not surprisingly, this is not consistent with the ERA's approach to regulation of operating areas under the WSL Act as made clear by the ERA in approving previous applications from the Corporation to extend the Operating Area. The DoW notes that the Corporation may be perceived as the "preferred service provider" by approval of the Application. If this were the case, it would be reasonable to expect that concerns would have been raised by current competitors in the market in response to the Application. In fact, they support the Application.

Market competition remains a relevant consideration in terms of ascertaining whether an Application is in the public interest. Critically, extension of the Operating Area does not of itself discourage such competition.

Rationalisation of the Operating Area to the Controlled Areas does not prevent new entrants entering into the market, and in fact provides a roadmap for the Corporation's competitors to also address structural inefficiency.

The Moama Lifestyle Village Pty Ltd application in November 2009 for an Operating Area within a Corporation Operating Area illustrates that an existing licensee does not prevent the entrant of a new water services provider

### **3.6 Objection 5: Financial and Technical Ability**

The DoW Letter identifies difficulties in applying section 23(a) of the WSL Act to applications when the geographical scale of services is unclear.

Section 23(a) only relates to granting a new licence and not to an amendment of an existing licence by extension of the operating area. Amendments to operating licences are covered by section 31.

In any event, no suggestion has been or could credibly be advanced to the effect that the Corporation does not have the requisite financial and technical ability to provide services in the expanded Operating Area.

## **4 Future reform in the water industry**

In discussions with DoW, the Corporation understands their issue relates to aligning current practice with the future legislation, which we support. While we do not see this request as complicating their issue, we will work with DoW and ERA to facilitate any transitional arrangement for the proposed new legislation.

## **5 Confidential legal advice**

The Corporation sought legal advice to compile this submission and have attached it to provide the ERA with further context. This advice is confidential and does not

form part of this public submission and as such the Corporation requests the legal advice is not made public.

If there are any questions, please contact Andrew Pascoe on 9420 2025.

Yours sincerely

Sue Murphy  
Chief Executive Officer

## Attachment 1 – ERA’s decisions on the Corporation’s applications to extend the Operating Area – 2005 to current

Date	Description of Application	Response to development application?	Objections	ERA decision
2005, 20 June	Application by the Water Corporation to align its metropolitan operating area boundary for drinking water and sewerage services with that of the WA Planning Commission’s Metropolitan Region Scheme boundary.	No	<p>Submissions were sought directly from government policy departments, adjacent local government areas, private and NGOs, other potable water suppliers, and other water licensees, as well as from the public.</p> <p>In its decision the ERA noted that: “a number of organisations who, while supporting the Application, did not support it on the basis that it be granted on a ‘sole-provider’ basis as there may be opportunities for competition in the provision of water and wastewater services in the metropolitan area in the future.”</p>	<p>Approved</p> <p>(Following additional material being provided by Water Corporation)</p>
2006, 20 June 25 September	<ol style="list-style-type: none"> <li>1 Application to extend the Corporation’s Gingin Water Supply Operating Area to include the area contained within the Nilgin Services Company Limited’s (NSCL’s) Operating Licence.</li> <li>2 Previously NSCL had applied for the limited renewal of their licence (for only 3 months), at which time the licence would transfer to the Corporation with approval of the ERA.</li> </ol>	Developer request to take over Nilgen, supported by the Minister.	No objections.	<p>Pursuant to section 28(2) Authority approves the amendment.</p> <p>ERA satisfied that applications not contrary to public interest, and subsequently ERA approved.</p>
2007, 29 May	<p>Application to extend licence area to extend the:</p> <ol style="list-style-type: none"> <li>1 Lower Great Southern Town Water Supply Operating Area;</li> <li>2 boundaries of Bindoon-Chittering, Mingenew, Kalbarri and Harvey.</li> </ol>	No.	No submissions received.	<p>ERA satisfied that applications not contrary to public interest.</p> <p>ERA approved.</p>

Date	Description of Application	Response to development application?	Objections	ERA decision
2007. 13 July	Application to extend the Capel Sewerage Services Operating Area.	Yes, to accommodate a new housing development in Goodwood Rd Capel and to replace both the Capel and Boyanup sewerage services operating areas with an expanded operating area.	<p>DoW raised three objections:</p> <ol style="list-style-type: none"> <li>1 Local consultation process was not defined and planning approvals were incomplete for the Goodwood Road development:</li> <li>2 DoW did not support the expansion of the Water Corporation's sewerage operating areas to align with Shire of Capel boundaries and the Bunbury and Dalyellup sewerage operating area boundaries without specific plans on where sewerage services would operate in this expanded area</li> <li>3 DoW did not support the expansion of the Water Corporation's sewerage operating area beyond the Goodwood Road development because of the potential impact on future opportunities for competition</li> </ol>	<p>ERA decided:</p> <ol style="list-style-type: none"> <li>1 Project developer is responsible for undertaking appropriate local consultations on the project and for acquiring all planning approvals prior to commencing construction.</li> <li>2 The WSL Act (section 18(2)) does not require licensees to specify a particular water services works to be undertaken in an operating area as a precondition to having this operating area identified in its licence</li> <li>3 As a consequence of the Water Corporation's Metropolitan Operating boundary amendment in June 2005 to grant all subsequent amendments for licensees on a non-exclusive basis, the decision to rationalise the Water Corporation's boundaries on this occasion does not prevent new entrants entering the market.</li> </ol> <p>Consideration of 'public interest' under section 31(1)(a) – ERA satisfied that approval of the applicant's request for a licence amendment would not be contrary to the public interest.</p> <p>ERA approved.</p>
2007. 6 August	Application to extend its Dunsborough water supply operating area within the Busselton Shire boundary.	No.	DoW lodged comments but no objections.	ERA satisfied that applications not contrary to public interest, and subsequently ERA approved.

Date	Description of Application	Response to development application?	Objections	ERA decision
2008, 8 January	Application to extend its Operating Areas for the Bridgetown Potable Water Supply, Bremer Bay Potable Water Supply, Denmark Sewerage Services, the West Pilbara Potable Water Supply Service and Karratha Sewerage Service.	Yes	DoW objected:  1 Insufficient information and justification on the proposed extension to the Bridgetown Potable Water Supply, the Denmark Sewerage Services and the West Pilbara Potable Water Supply and Karratha Sewerage Services operating areas  2 Unknown if appropriate stakeholder consultation had been conducted in the Bridgetown Potable Water Supply and the Denmark Sewerage Services operating areas  3 No specific plans on where new services would operate in these expanded areas.	ERA satisfied that application not contrary to public interest, and subsequently ERA approved.  ERA held:  1 Project developers are responsible for undertaking appropriate local consultations on the project and for acquiring all planning approvals prior to commencing construction.  2 The WSL Act does not require licensees to specify a particular water services works to be undertaken in an operating area as a precondition to having this operating area identified in its licence.
2008, 4 March	Two amendments to its licence:  1 extension of the Corporation's Toodyay sewerage services operating area to include the whole of the Shire of Toodyay; and  2 removal of the Broad Arrow Potable Water Supply map reference from the licence.	1. Yes  2. No.	No submissions received.	ERA satisfied that applications not contrary to public interest, and subsequently ERA approved.
2008, 11 July	Application for extension of the Corporation's Kununurra Operating Area for potable water supply services to include the whole of the Kununurra Water Supply and Sewerage Services Controlled Area.	Yes to include a hostel	No submissions received.	ERA satisfied that application not contrary to public interest, and subsequently ERA approved.
2009, 3 March	Application to extend the Mandurah/Pinjarra Sewerage Services Operating Area to include the Point Grey development site.	Yes	No submissions received	ERA satisfied that application not contrary to public interest, and subsequently ERA approved.
2009,	Applicant to extend the Water Corporation's	Yes, to include three sites identified for special	Objection from Mr Clinton O'Neil about the effect on market competition, including that the application "represents an ambit	ERA did not accept the objections or

Date	Description of Application	Response to development application?	Objections	ERA decision
27 August	Waroona sewerage services operating area.	residential development abutting the Waroona town site.	claim, using [the Corporation's] monopoly marketing power to secure an enduring right to service the area in the future". Recommended additional disclosure requirements as a condition of the licence.  Peel Harvey Catchment Council Recommended additional licence conditions relating to technical aspects of the licence.	additional licence conditions.  ERA satisfied that as licence areas are non-exclusive extension of the operating area does not effect new entrants entering into the market.  ERA satisfied that application not contrary to public interest, and subsequently ERA approved.
2010. 18 February	Application to: 1 Extend the Corporation's Bindoon Chittering water supply operating area to accommodate the expansion of the Bindoon town site; and 2 Amend the benchmark for annual notification of conditions of service from 99.8 percent to 95 percent.	Yes	No submissions received.  Departments of Planning and Water supported the application.  Contract for increased supply to the Corporation entered prior to this application	ERA satisfied that application not contrary to public interest, and subsequently ERA approved.
2010. 11 March	Application to extend the: 1 Busselton sewerage services operating area; 2 Yarloop-Wagerup potable water supply services operating area; and 3 Geraldton Region potable water supply services operating area  to align these operating areas with the areas where services are currently provided.	[Alignment of Operating Area with existing services.]	No submissions received.	ERA satisfied that application not contrary to public interest, and subsequently ERA approved.