



Water NSW

Prices for Bulk Water Services from
1 October 2021

Water Charge Rules 2010 (Cth)
Independent Pricing and Regulatory Tribunal Act 1992
(NSW)

Final Determination

September 2021

Water >>

Tribunal Members

The Tribunal members for this review are:

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Ms Deborah Cope
Ms Sandra Gamble

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The Independent Pricing and Regulatory Tribunal (IPART)

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ISBN 978-1-76049-505-3

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Preliminary

1 Summary

This determination regulates pricing for rural bulk water services supplied by Water NSW. IPART has made this determination under two regulatory regimes:

- (a) The regulated charges for certain rural bulk water services supplied by Water NSW are set under the *Water Charge Rules 2010* (Cth) (**WCR**).¹
- (b) The maximum prices for the remaining rural bulk water services supplied by Water NSW are set under the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW) (**IPART Act**).

2 Outline

This determination is divided into the following sections:

- (a) The Preliminary section provides information about the two regimes under which IPART has made this determination and explains its application.
- (b) Schedule 1 sets out the regulated charges that Water NSW may levy for supplying MDB Bulk Water Services, other than Miscellaneous Charges and New Metering Charges.
- (c) Schedule 2 sets out the maximum prices that Water NSW may levy for supplying Coastal Bulk Water Services, other than Miscellaneous Charges and New Metering Charges.
- (d) Schedule 3 sets out the regulated charges and maximum prices that Water NSW may levy for supplying bulk water services to customers in the Fish River Water Supply Scheme, other than Miscellaneous Charges.
- (e) Schedule 4 sets out the Miscellaneous Charges that Water NSW may levy, subject to any Miscellaneous Charges being replaced by New Metering Charges, for supplying various miscellaneous services across MDB Valleys, Coastal Valleys and to customers in the Fish River Water Supply Scheme.
- (f) Schedule 5 sets out the New Metering Charges that Water NSW may levy for supplying various metering services across MDB Valleys and Coastal Valleys.
- (g) Schedule 6 sets out definitions and interpretation provisions.
- (h) Schedule 7 outlines the requirements under the WCR and IPART Act for IPART's determination of regulated charges and maximum prices.

¹ IPART has determined the regulated charges set out in this determination under accreditation arrangements in Part 9 of the WCR. The ACCC approved IPART's accreditation under rule 63 of the WCR, with effect from 1 June 2016.

3 Determination under the WCR

3.1 Coverage of determination

- (a) IPART has determined the regulated charges set out in Schedules 1, 3, 4 and 5 under the WCR. These regulated charges are the maximum amounts that Water NSW may charge.
- (b) The regulated charges set out in Schedule 1 cover MDB Bulk Water Services that Water NSW supplies in Regulated Rivers in the following MDB Valleys:
 - (1) Border;
 - (2) Gwydir;
 - (3) Namoi;
 - (4) Peel;
 - (5) Lachlan;
 - (6) Macquarie;
 - (7) Murray;
 - (8) Murrumbidgee; and
 - (9) Lowbidgee.
- (c) The regulated charges set out in Schedule 3 cover rural bulk water services that Water NSW supplies to Rural Water Supply Customers in the Fish River Water Supply Scheme.
- (d) The regulated charges set out in Schedule 4 cover miscellaneous rural bulk water services that Water NSW supplies in the MDB Valleys listed in clause 3.1(b) and to Rural Water Supply Customers in the Fish River Water Supply Scheme to the extent that those rural bulk water services are Infrastructure Services.
- (e) The regulated charges set out in Schedule 5 cover metering services that Water NSW supplies in the MDB Valleys listed in clause 3.1(b).

[Note: In addition to the regulated charges described at clauses 3.1(c), 3.1(d) and 3.1(e) above, Schedules 3, 4 and 5 also contain maximum prices determined in accordance with the IPART Act. Refer to clauses 4.1(c), 4.1(d) and 4.1(e) below.]

3.2 Application and commencement

- (a) Subject to the annual review process in Division 3 of Part 6 of the WCR (as amended on 1 July 2020), the regulated charges set under this determination apply from the later of:
 - (1) 1 October 2021; or
 - (2) the date that this determination is published in the NSW Government Gazette, (**Commencement Date**).
- (b) The regulated charges set under this determination apply from the Commencement Date to 30 June 2025. The regulated charges prevailing at 30 June 2025 may apply beyond 30 June 2025 in accordance with rule 33 of the WCR.

3.3 Nil charge for Aboriginal Cultural Licences

Despite anything in this determination, the regulated charge that Water NSW may charge for rural bulk water services in respect of an Aboriginal Cultural Licence is nil.

[Note: For the avoidance of doubt, clause 3.3 applies to the services in Schedules 4 and 5.]

4 Determination under the IPART Act

4.1 Coverage of determination

- (a) IPART has determined the maximum prices set out in Schedules 2, 3, 4 and 5 under the IPART Act.
- (b) The maximum prices set out in Schedule 2 cover Coastal Bulk Water Services that Water NSW supplies in Regulated Rivers in the following Coastal Valleys:
 - (1) North Coast;
 - (2) Hunter; and
 - (3) South Coast.
- (c) The maximum prices set out in Schedule 3 cover IPART Act Services that Water NSW supplies to Urban Water Supply Customers in the Fish River Water Supply Scheme.
- (d) The maximum prices set out in Schedule 4 cover miscellaneous rural bulk water services that Water NSW supplies in the Coastal Valleys listed in clause 4.1(b), to Urban Water Supply Customers in the Fish River Water Supply Scheme and to MDB valleys listed in clause 3.1(b) to the extent those rural bulk water services are not Infrastructure Services.
- (e) The maximum prices set out in Schedule 5 cover metering services that Water NSW supplies in the Coastal Valleys listed in clause 4.1(b).

[Note: In addition to the maximum prices described at clauses 4.1(c), 4.1(d) and 4.1(e) above, Schedules 3, 4 and 5 also contain regulated charges determined in accordance with the WCR. Refer to clauses 3.1(c), 3.1(d) and 3.1(e) above.]

4.2 Application and commencement

- (a) The maximum prices for IPART Act Services set under this determination apply from the Commencement Date to 30 June 2025.
- (b) The maximum prices for IPART Act Services set out in this determination prevailing at 30 June 2025 continue to apply beyond 30 June 2025 until this determination is replaced.

4.3 Nil price for Aboriginal Cultural Licences

Despite anything in this determination, the maximum price that Water NSW may charge for rural bulk water services in respect of an Aboriginal Cultural Licence is nil.

[Note: For the avoidance of doubt, clause 4.3 applies to the services in Schedules 4 and 5.]

5 Replacement of the 2017 Determination

- (a) With effect from the Commencement Date:
 - (1) IPART's determination of maximum prices under the IPART Act in this determination, replaces the 2017 Determination to the extent it was made under the IPART Act; and
 - (2) IPART's determination of regulated charges under the WCR in this determination, replaces the 2017 Determination to the extent it was made under the WCR.
- (b) The 2017 Determination ceases to have effect upon its replacement. Replacement of the 2017 Determination does not affect anything done or omitted to be done, or rights or obligations accrued, under the 2017 Determination and before the Commencement Date.

Schedule 1 Regulated Rivers in MDB Valleys

1 Application

- (a) This schedule sets out the regulated charges that Water NSW may levy on a Licence Holder for supplying rural bulk water services in relation to a Water Licence that authorises the extraction of water from a Regulated River in an MDB Valley (**MDB Bulk Water Services**), other than Miscellaneous Charges and New Metering Charges.
- (b) Subject to clause 1(c), the regulated charges that Water NSW may levy for MDB Bulk Water Services consist of the following:
 - (1) an entitlement charge calculated in accordance with clause 2;
 - (2) a water take charge calculated in accordance with clause 3, except in relation to MDB Bulk Water Services supplied in the Lowbidgee Valley;
 - (3) for the Border, Murray and Murrumbidgee Valleys:
 - (A) an MDBA/BRC entitlement charge calculated in accordance with clause 4; and
 - (B) an MDBA/BRC water take charge calculated in accordance with clause 5;
 - (4) for a Licence Holder in the Yanco Creek System, a Yanco Creek and Tributaries Advisory Council charge calculated in accordance with clause 7;
 - (5) any relevant Miscellaneous Charges calculated in accordance with Schedule 4; and
 - (6) any relevant New Metering Charges calculated in accordance with Schedule 5.
- (c) In levying regulated charges on a Licence Holder listed in Table 5, Water NSW must apply the discount calculated in accordance with clause 6.

2 Entitlement charge

For MDB Bulk Water Services, Water NSW may levy an entitlement charge calculated as follows:

$$EC \times E$$

where:

- (a) **EC** is the entitlement charge expressed in dollars per megalitre of Entitlement or in dollars per unit share for the relevant MDB Valley, relevant year and relevant licence type in Table 1; and
- (b) **E** is a Licence Holder's Entitlement for that year.

[Note: Refer to Schedule 6, clause 2.7 for the calculation of the entitlement charge, and Schedule 6, clause 2.9(c) for the meaning of 'relevant MDB Valley'.]

3 Water take charge

- (a) For MDB Bulk Water Services, Water NSW may levy a water take charge for the relevant MDB Valley (excluding the Lowbidgee Valley) calculated as follows:

$$WTC \times WT$$

where:

- (1) **WTC** is the water take charge expressed in dollars per megalitre of water taken for the relevant MDB Valley and relevant year in Table 2; and
 - (2) **WT** is a Licence Holder's water take for that year.
- (b) Water NSW must not recover more than one water take charge in respect of any water taken.

[Note: Refer to Schedule 6, clause 2.1(i) for the calculation of a Licence Holder's water take, and Schedule 6, clause 2.9(c) for the meaning of 'relevant MDB Valley'.]

[Note: For the avoidance of doubt, the charge in clause 3 may be levied on all holders of a supplementary water access licence in a relevant MDB Valley except for those in the Lowbidgee Valley.]

4 MDBA/BRC entitlement charge

For MDB Bulk Water Services supplied in the Border, Murray and Murrumbidgee Valleys, Water NSW may levy an MDBA/BRC entitlement charge calculated as follows:

$$MDBAEC \times E$$

where:

- (a) **MDBAEC** is the MDBA/BRC entitlement charge expressed in dollars per megalitre of Entitlement or in dollars per unit share for the relevant MDB Valley, relevant year and relevant licence type in Table 3; and
- (b) **E** is a Licence Holder's Entitlement for that year.

[Note: For the avoidance of doubt, the charge in clause 4 may be levied in addition to any other charges provided for in this Schedule. Refer to Schedule 6, clause 2.7 for the calculation of the entitlement charge, and Schedule 6, clause 2.9(c) for the meaning of 'relevant MDB Valley'.]

5 MDBA/BRC water take charge

- (a) For MDB Bulk Water Services supplied in the Border, Murray and Murrumbidgee valleys, Water NSW may levy an MDBA/BRC water take charge for the relevant MDB Valley calculated as follows:

$$MDBAWTC \times WT$$

where:

- (1) **MDBAWTC** is the MDBA/BRC water take charge expressed in dollars per megalitre of water taken for the relevant MDB Valley and relevant year in Table 4; and
 - (2) **WT** is a Licence Holder's water take for that year.
- (b) Water NSW must not recover more than one MDBA/BRC water take charge in respect of any water taken.

[Note: For the avoidance of doubt, the charge in clause 5 may be levied in addition to any other charges provided for in this Schedule. Refer to Schedule 6, clause 2.1(i) for the calculation of a Licence Holder's water take, and Schedule 6, clause 2.9(c) for the meaning of 'relevant MDB Valley'.]

6 Irrigation Corporations and districts discount

For a Licence Holder listed in Table 5, Water NSW must apply the discount (listed for that Licence Holder in Table 5) on that Licence Holder's total annual bill for entitlement and/or water take charges.

7 Yanco Creek and Tributaries Advisory Council charge

For a Licence Holder in the Yanco Creek System, Water NSW may also levy an entitlement charge expressed in dollars per megalitre of Entitlement or in dollars per unit share in Table 6 for the relevant year.

[Note: For the avoidance of doubt, the Yanco Creek and Tributaries Advisory Council charge may be levied in addition to any other charges provided for in this Schedule, Schedule 4 and Schedule 5. Refer to Schedule 6, clause 2.7 for the calculation of the entitlement charge.]

Tables 1-6

Table 1 Entitlement charges for MDB Valleys^a (\$/ML of Entitlement or \$/unit share)

MDB Valley	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
High Security Licence				
Border	6.58	6.58 x CPI ₁	6.58 x CPI ₂	6.58 x CPI ₃
Gwydir	17.40	17.40 x CPI ₁	17.40 x CPI ₂	17.40 x CPI ₃
Namoi	28.93	28.93 x CPI ₁	28.93 x CPI ₂	28.93 x CPI ₃
Peel	61.36	61.36 x CPI ₁	61.36 x CPI ₂	61.36 x CPI ₃
Lachlan	25.10	25.10 x CPI ₁	25.10 x CPI ₂	25.10 x CPI ₃
Macquarie	20.18	20.18 x CPI ₁	20.18 x CPI ₂	20.18 x CPI ₃
Murray	2.26	2.26 x CPI ₁	2.26 x CPI ₂	2.26 x CPI ₃
Murrumbidgee	4.17	4.17 x CPI ₁	4.17 x CPI ₂	4.17 x CPI ₃
General Security Licence				
Border	2.41	2.41 x CPI ₁	2.41 x CPI ₂	2.41 x CPI ₃
Gwydir	4.04	4.04 x CPI ₁	4.04 x CPI ₂	4.04 x CPI ₃
Namoi	10.10	10.10 x CPI ₁	10.10 x CPI ₂	10.10 x CPI ₃
Peel	5.82	5.82 x CPI ₁	5.82 x CPI ₂	5.82 x CPI ₃
Lachlan	3.71	3.71 x CPI ₁	3.71 x CPI ₂	3.71 x CPI ₃
Macquarie	3.94	3.94 x CPI ₁	3.94 x CPI ₂	3.94 x CPI ₃
Murray	0.99	0.99 x CPI ₁	0.99 x CPI ₂	0.99 x CPI ₃
Murrumbidgee	1.43	1.43 x CPI ₁	1.43 x CPI ₂	1.43 x CPI ₃
Lowbidgee ^b	1.72	1.72 x CPI ₁	1.72 x CPI ₂	1.72 x CPI ₃

a. The charges in this table are annual charges and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination to which this charge applies, and that is less than a full financial year.

b. This only applies to holders of supplementary water access licences in Lowbidgee Valley

Table 2 Water take charges for MDB Valleys (excluding Lowbidgee) (\$/ML)

MDB Valley	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
Border	7.03	7.03 x CPI ₁	7.03 x CPI ₂	7.03 x CPI ₃
Gwydir	17.19	17.19 x CPI ₁	17.19 x CPI ₂	17.19 x CPI ₃
Namoi	30.88	30.88 x CPI ₁	30.88 x CPI ₂	30.88 x CPI ₃
Peel	24.51	24.51 x CPI ₁	24.51 x CPI ₂	24.51 x CPI ₃
Lachlan	31.17	31.17 x CPI ₁	31.17 x CPI ₂	31.17 x CPI ₃
Macquarie	21.64	21.64 x CPI ₁	21.64 x CPI ₂	21.64 x CPI ₃
Murray	2.93	2.93 x CPI ₁	2.93 x CPI ₂	2.93 x CPI ₃
Murrumbidgee	4.97	4.97 x CPI ₁	4.97 x CPI ₂	4.97 x CPI ₃

Table 3 MDBA/BRC entitlement charges^a (\$/ML of Entitlement or \$/unit share)

	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
MDB Valley				
High Security Licence				
Border	4.84	4.84 x CPI ₁	4.84 x CPI ₂	4.84 x CPI ₃
Murray	8.64	8.64 x CPI ₁	8.64 x CPI ₂	8.64 x CPI ₃
Murrumbidgee	1.86	1.86 x CPI ₁	1.86 x CPI ₂	1.86 x CPI ₃
General Security Licence				
Border	1.77	1.77 x CPI ₁	1.77 x CPI ₂	1.77 x CPI ₃
Murray	3.80	3.80 x CPI ₁	3.80 x CPI ₂	3.80 x CPI ₃
Murrumbidgee	0.64	0.64 x CPI ₁	0.64 x PI ₂	0.64 x CPI ₃

a. The charges in this table are annual charges and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination to which this charge applies, and that is less than a full financial year.

Table 4 MDBA/BRC water take charges (\$/ML)

	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
MDB Valley				
Border	0.86	0.86 x CPI ₁	0.86 x CPI ₂	0.86 x CPI ₃
Murray	1.85	1.85 x CPI ₁	1.85 x CPI ₂	1.85 x CPI ₃
Murrumbidgee	0.37	0.37 x CPI ₁	0.37 x CPI ₂	0.37 x CPI ₃

Table 5 Irrigation Corporations and districts discount^a (\$)

Licence holder	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
Murray Irrigation Limited	730,933	699,529 x CPI ₁	680,127 x CPI ₂	652,306 x CPI ₃
Western Murray Irrigation Limited	18,465	17,672 x CPI ₁	17,182 x CPI ₂	16,479 x CPI ₃
West Corugan	36,552	34,982 x CPI ₁	34,011 x CPI ₂	32,620 x CPI ₃
Moirra Irrigation Scheme	19,289	18,460 x CPI ₁	17,948 x CPI ₂	17,214 x CPI ₃
Eagle Creek Scheme	6,905	6,608 x CPI ₁	6,425 x CPI ₂	6,162 x CPI ₃
Murrumbidgee Irrigation Limited	625,285	593,966 x CPI ₁	584,550 x CPI ₂	568,933 x CPI ₃
Coleambally Irrigation Limited	267,977	254,554 x CPI ₁	250,519 x CPI ₂	243,826 x CPI ₃
Jemalong Irrigation Limited	56,068	56,350 x CPI ₁	52,171 x CPI ₂	49,768 x CPI ₃

a. The discounts in this table are annual discounts and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination that is less than a full financial year.

Table 6 Yanco Creek System entitlement charge^a (\$/ML of Entitlement or \$/unit share)

Charge	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
Yanco Creek System entitlement charge	0.90	0.90	0.90	0.90

a. The charges in this table are annual charges and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination to which this charge applies, and that is less than a full financial year.

Schedule 2 Regulated Rivers in Coastal Valleys

1 Application

- (a) This schedule sets out the maximum prices that Water NSW may levy on a Licence Holder for supplying IPART Act Services in relation to a Water Licence that authorises the extraction of water from a Regulated River in a Coastal Valley (**Coastal Bulk Water Services**), other than Miscellaneous Charges and New Metering Charges.
- (b) The maximum charges that Water NSW may levy for Coastal Bulk Water Services consist of the following:
 - (1) an entitlement charge calculated in accordance with clause 2;
 - (2) a water take charge calculated in accordance with clause 3;
 - (3) any relevant Miscellaneous Charges calculated in accordance with Schedule 4; and
 - (4) any relevant New Metering Charges calculated in accordance with Schedule 5.

2 Entitlement charge

For Coastal Bulk Water Services, Water NSW may levy an entitlement charge calculated as follows:

$$EC \times E$$

where:

- (a) **EC** is the entitlement charge expressed in dollars per megalitre of Entitlement or in dollars per unit share for the relevant Coastal Valley, relevant year and relevant licence type in Table 7; and
- (b) **E** is a Licence Holder's Entitlement for that year.

[Note: Refer to Schedule 6, clause 2.7 for the calculation of the entitlement charge, and Schedule 6, clause 2.9(c) for the meaning of 'relevant Coastal Valley'.]

3 Water take charge

- (a) For Coastal Bulk Water Services, Water NSW may levy a water take charge for the relevant Coastal Valley calculated as follows:

$$WTC \times WT$$

where:

- (1) **WTC** is the water take charge expressed in dollars per megalitre of water taken for the relevant Coastal Valley and relevant year in Table 8; and
 - (2) **WT** is a Licence Holder's water take for that year.
- (b) Water NSW must not recover more than one water take charge in respect of any water taken.

[Note: Refer to Schedule 6, clause 2.1(i) for the calculation of a Licence Holder's water take, and Schedule 6, clause 2.9(c) for the meaning of 'relevant Coastal Valley'.]

Tables 7-8

Table 7 Entitlement charges for Coastal Valleys^a (\$/ML of Entitlement or \$/unit share)

Coastal Valley	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
High Security Licence				
North Coast	12.82	12.82 x CPI ₁	12.82 x CPI ₂	12.82 x CPI ₃
Hunter	19.94	19.94 x CPI ₁	19.94 x CPI ₂	19.94 x CPI ₃
South Coast	33.56	33.56 x CPI ₁	33.56 x CPI ₂	33.56 x CPI ₃
General Security Licence				
North Coast	9.94	9.94 x CPI ₁	9.94 x CPI ₂	9.94 x CPI ₃
Hunter	15.49	15.49 x CPI ₁	15.49 x CPI ₂	15.49 x CPI ₃
South Coast	17.60	17.60 x CPI ₁	17.60 x CPI ₂	17.60 x CPI ₃

a. The charges in this table are annual charges and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination to which this charge applies, and that is less than a full financial year.

Table 8 Water take charges for Coastal Valleys (\$/ML)

Coastal Valley	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
North Coast	18.98	18.98 x CPI ₁	18.98 x CPI ₂	18.98 x CPI ₃
Hunter	19.13	19.13 x CPI ₁	19.13 x CPI ₂	19.13 x CPI ₃
South Coast	18.80	18.80 x CPI ₁	18.80 x CPI ₂	18.80 x CPI ₃

Schedule 3 Fish River Water Supply Scheme

1 Application

- (a) This schedule sets out the:
- (1) regulated charges that Water NSW may levy for supplying rural bulk water services to Rural Water Supply Customers in the Fish River Water Supply Scheme; and
 - (2) maximum prices that Water NSW may levy for supplying IPART Act Services to Urban Water Supply Customers in the Fish River Water Supply Scheme, other than Miscellaneous Charges.
- (b) The regulated charges and maximum prices that Water NSW may levy on Rural Water Supply Customers and Urban Water Supply Customers in the Fish River Water Supply Scheme consist of the following:
- (1) an access charge and a water take charge for each of bulk raw water and bulk filtered water, calculated in accordance with clause 2; and
 - (2) any relevant Miscellaneous Charges calculated in accordance with Schedule 4.
- (c) Subject to paragraph (d), the minimum annual quantity (**MAQ**) for a Rural Water Supply Customer or Urban Water Supply Customer is the MAQ for that customer set out in Table 9.
- (d) Where the Fish River Licence has been amended after the Commencement Date:
- (1) to alter the water allocation for a Major Customer (including Oberon Council); or
 - (2) to include a water allocation for a new Major Customer,
- the MAQ for that Major Customer is the yearly supply availability for that Major Customer under the Fish River Licence at "Nil" restriction level.

[Note: For the avoidance of doubt, the New Metering Charges in Schedule 5 do not apply in any circumstances to customers in the Fish River Water Supply Scheme.]

2 Fish River Water Supply Customers

Water NSW may levy the following regulated charges on Rural Water Supply Customers and maximum prices on Urban Water Supply Customers in the Fish River Water Supply Scheme:

- (a) an access charge, expressed in dollars per kilolitre of MAQ, in:
- (1) Table 10 for bulk raw water; and
 - (2) Table 11 for bulk filtered water,
- for the relevant customer and relevant year in that table, multiplied by that customer's MAQ; and

- (b) a water take charge, expressed in dollars per kilolitre of water taken, calculated as follows:
- (1) for each kilolitre of water taken up to and including the MAQ for the relevant customer – the first tier water take charge in:
 - (A) Table 10 for bulk raw water; and
 - (B) Table 11 for bulk filtered water,for the relevant year in that table, multiplied by that customer's water take, up to and including that customer's MAQ; and
 - (2) for each kilolitre of water taken in excess of the MAQ for the relevant customer – the second tier water take charge in:
 - (A) Table 10 for bulk raw water; and
 - (B) Table 11 for bulk filtered water,for the relevant year in that table, multiplied by that part of the customer's water take which is in excess of that customer's MAQ.

[Note: The calculation in clause 2(a) requires multiplication by a customer's 'minimum annual quantity' and on that basis is an annual charge. In order to calculate the charge under clause 2(a) for any period under this determination that is less than a full financial year, the charge must be calculated in accordance with clause 2(a), then pro-rated in accordance with clause 2.5(b) of Schedule 6.]

[Note: Water NSW may levy the second tier water take charge in Tables 10 or 11 on a customer in the Fish River Supply Scheme who is not referred to in Table 9. For the avoidance of doubt, the calculations in clause 2 determine the maximum prices for Urban Water Supply Customers in the Fish River Water Supply Scheme and the regulated charges for Rural Water Supply Customers in the Fish River Water Supply Scheme.]

Tables 9-11

Table 9 Fish River Water Supply Scheme customers – minimum annual quantity (MAQ)

	Bulk Raw Water	Bulk Filtered Water
Rural Water Supply Customers		
EnergyAustralia (ML/year)	8,184	0
Minor Customers (kL/year)	200	200
Urban Water Supply Customers (ML/year)		
Oberon Council	1,064	0
Lithgow City Council	100	1,678
Water NSW (Greater Sydney)	3,650	0

Table 10 Fish River Water Supply Scheme customers – bulk raw water (\$/kL)

	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
Access charge				
Major Customers (except Oberon Council)	0.49	0.49 x CPI ₁	0.49 x CPI ₂	0.49 x CPI ₃
Minor Customers	0.49	0.49 x CPI ₁	0.49 x CPI ₂	0.49 x CPI ₃
Oberon Council	0.42	0.42 x CPI ₁	0.42 x CPI ₂	0.42 x CPI ₃
First tier water take charge				
Major Customers (except Oberon Council)	0.33	0.33 x CPI ₁	0.33 x CPI ₂	0.33 x CPI ₃
Minor Customers	0.33	0.33 x CPI ₁	0.33 x CPI ₂	0.33 x CPI ₃
Oberon Council	0.26	0.26 x CPI ₁	0.26 x CPI ₂	0.26 x CPI ₃
Second tier water take charge				
Major Customers (except Oberon Council)	0.82	0.82 x CPI ₁	0.82 x CPI ₂	0.82 x CPI ₃
Minor Customers	0.82	0.82 x CPI ₁	0.82 x CPI ₂	0.82 x CPI ₃
Oberon Council	0.68	0.68 x CPI ₁	0.68 x CPI ₂	0.68 x CPI ₃

Table 11 Fish River Water Supply Scheme customers – bulk filtered water (\$/kL)

	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
Access charge				
Major Customers	0.86	0.86 x CPI ₁	0.86 x CPI ₂	0.86 x CPI ₃
Minor Customers	0.86	0.86 x CPI ₁	0.86 x CPI ₂	0.86 x CPI ₃
First tier water take charge				
Major Customers	0.53	0.53 x CPI ₁	0.53 x CPI ₂	0.53 x CPI ₃
Minor Customers	0.53	0.53 x CPI ₁	0.53 x CPI ₂	0.53 x CPI ₃
Second tier water take charge				
Major Customers	1.39	1.39 x CPI ₁	1.39 x CPI ₂	1.39 x CPI ₃
Minor Customers	1.39	1.39 x CPI ₁	1.39 x CPI ₂	1.39 x CPI ₃

Schedule 4 Miscellaneous charges

1 Application

- (a) This schedule sets out the regulated charges and maximum prices that Water NSW may levy for supplying various miscellaneous rural bulk water services across MDB Valleys and Coastal Valleys, as well as to customers in the Fish River Water Supply Scheme.
- (b) For a Government-Owned Meter to which Schedule 5 applies, on and from the New Government Meter Charge Trigger Day for that meter, the:
 - (1) meter service charge in clause 2 of this Schedule will cease to apply; and
 - (2) charges in clauses 3 and 4 of Schedule 5 will instead apply.

2 Meter service charge

- (a) Water NSW may levy the relevant meter service charge set out in Table 12 on the holder of a Water Supply Work Approval with a Government-Owned Meter installed. This charge is expressed in dollars per Government-Owned Meter per annum, and is determined according to the size of the Government-Owned Meter.
- (b) The charge in clause 2(a) of this Schedule is subject to replacement by the charges in clauses 3 and 4 of Schedule 5 in respect of relevant Government-Owned Meters.

[Note: On and from the New Government Meter Charge Trigger Day for a Government-Owned Meter, the charge in clause 2(a) of this Schedule ceases to apply and the charges in clauses 3 and 4 of Schedule 5 will instead apply. The two sets of charges cannot apply simultaneously to a Government-Owned Meter.]

3 Meter accuracy testing charge

- (a) Where a Licence Holder requests that Water NSW conduct a Meter Accuracy Test, Water NSW may levy the meter accuracy deposit set out in Table 13. Water NSW must return the meter accuracy deposit to the customer if the relevant Government-Owned Meter is not found to be within relevant accuracy standards.
- (b) Where Water NSW conducts a Meter Accuracy Test and the Government-Owned Meter is found to be within the relevant accuracy standards, Water NSW may levy the balance of the total meter accuracy testing charge (that is, the total meter accuracy testing charge set out in Table 13 less the meter accuracy deposit set out in Table 13).

4 Other Miscellaneous Charges

Water NSW may levy the other Miscellaneous Charges set out in Table 14 on a Licence Holder.

Tables 12-14

Table 12 Meter service charges^a (\$ per meter)

Size of Government-Owned Meter	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
50mm	481.16	481.16 x CPI ₁	481.16 x CPI ₂	481.16 x CPI ₃
80mm	483.40	483.40 x CPI ₁	483.40 x CPI ₂	483.40 x CPI ₃
100mm	483.39	483.39 x CPI ₁	483.39 x CPI ₂	483.39 x CPI ₃
150mm	489.07	489.07 x CPI ₁	489.07 x CPI ₂	489.07 x CPI ₃
200mm	491.88	491.88 x CPI ₁	491.88 x CPI ₂	491.88 x CPI ₃
250mm	494.48	494.48 x CPI ₁	494.48 x CPI ₂	494.48 x CPI ₃
300mm	501.20	501.20 x CPI ₁	501.20 x CPI ₂	501.20 x CPI ₃
350mm	531.39	531.39 x CPI ₁	531.39 x CPI ₂	531.39 x CPI ₃
400mm	549.37	549.37 x CPI ₁	549.37 x CPI ₂	549.37 x CPI ₃
450mm	552.83	552.83 x CPI ₁	552.83 x CPI ₂	552.83 x CPI ₃
500mm	567.56	567.56 x CPI ₁	567.56 x CPI ₂	567.56 x CPI ₃
600mm	586.43	586.43 x CPI ₁	586.43 x CPI ₂	586.43 x CPI ₃
700mm	608.85	608.85 x CPI ₁	608.85 x CPI ₂	608.85 x CPI ₃
750mm	640.25	640.25 x CPI ₁	640.25 x CPI ₂	640.25 x CPI ₃
800mm	661.47	661.47 x CPI ₁	661.47 x CPI ₂	661.47 x CPI ₃
900mm	668.19	668.19 x CPI ₁	668.19 x CPI ₂	668.19 x CPI ₃
1,000mm	680.60	680.60 x CPI ₁	680.60 x CPI ₂	680.60 x CPI ₃
Channel	6,306.05	6,306.05 x CPI ₁	6,306.05 x CPI ₂	6,306.05 x CPI ₃

a. The charges in this table are annual charges and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination to which this charge applies, and that is less than a full financial year.

Table 13 Meter accuracy testing charges (\$ per meter)

Meter accuracy testing charges	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
Meter accuracy deposit	1,750.00	1,750.00	1,750.00	1,750.00
Total meter accuracy testing charge (if meter is found to be within accuracy standards)				
Verification and testing in situ	6,427.28	1,750.00 + 4,677.28 x CPI ₁	1,750.00 + 4,677.28 x CPI ₂	1,750.00 + 4,677.28 x CPI ₃
Lab verification and testing	8,749.03	1,750.00 + 6,999.03 x CPI ₁	1,750.00 + 6,999.03 x CPI ₂	1,750.00 + 6,999.03 x CPI ₃

Table 14 Other Miscellaneous Charges (\$ per meter)

Charge	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
Trade processing charge per application	49.92	49.92 x CPI ₁	49.92 x CPI ₂	49.92 x CPI ₃
Fish River connection charge (per connection)				
Low complexity connection ^a	926.38	926.38 x CPI ₁	926.38 x CPI ₂	926.38 x CPI ₃
Medium complexity connection ^b	3,512.39	3,512.39 x CPI ₁	3,512.39 x CPI ₂	3,512.39 x CPI ₃
High complexity connection ^c	7,181.32	7,181.32 x CPI ₁	7,181.32 x CPI ₂	7,181.32 x CPI ₃
Fish River disconnection charge (per disconnection)	260.80	260.80 x CPI ₁	260.80 x CPI ₂	260.80 x CPI ₃

a. Where no tapping band or pressure reducing valve is required.

b. Where a tapping band is required.

c. Where a pressure reducing valve is required.

Schedule 5 New Metering Charges

1 Application

(a) This schedule sets out regulated charges and maximum prices that Water NSW may levy on a:

- (1) Licence Holder; and
- (2) holder of a Water Supply Work Approval,

for supplying various metering services in relation to a Water Licence or Water Supply Work Approval that authorises the taking of water from a Regulated River.

(b) For a Government-Owned Meter, on and from the New Government Meter Charge Trigger Day for that meter, the charge set out in clause 2(a) of Schedule 4 will cease to apply and the charges in clauses 3 and 4 of this Schedule will instead apply.

(c) For a Privately-Owned Meter, on and from the New Private Meter Charge Trigger Day for that meter, the charge in clause 4 of this Schedule will apply.

[Note: For the avoidance of doubt, none of the charges in this Schedule apply to customers in the Fish River Water Supply Scheme.]

2 Scheme management charge

Water NSW may levy on a person referred to in clause 1(a), the annual scheme management charge set out in Table 15 for the relevant year, and relevant Proportion of Voluntary Telemetry Uptake for that year.

[Note: For the avoidance of doubt, the scheme management charge set out in clause 2 applies regardless of whether a relevant person has a meter or not and applies from the Commencement Date. Where a person referred to in clause 1(a) holds more than one Water Licence and/or is the holder of more than one Water Supply Work Approval, then the scheme management charge may be levied in respect of each such Water Licence or Water Supply Work Approval.]

3 Government-Owned Meter service charges

(a) On and from the New Government Meter Charge Trigger Day for the relevant Government-Owned Meter, Water NSW may levy on a person referred to in clause 1(a) with:

- (1) a Government-Owned Meter that is not a channel meter installed:
 - (A) the meter service charge – operating costs; and
 - (B) the meter service charge – capital costs; and
- (2) a Government-Owned Meter that is a channel meter installed: the channel meter service charge – operating costs,

set out in Table 16 for the relevant year and expressed in dollars per relevant Government-Owned Meter per annum.

[Note: On and from the New Government Meter Charge Trigger Day for a Government-Owned Meter, the charges in clause 3 apply and the charge in clause 2(a) of Schedule 4 ceases to apply. The two sets of charges cannot apply simultaneously to a Government-Owned Meter.]

4 Telemetry and non-telemetry service charges

- (a) The charges in clause 4 apply on and from:
- (1) for a Government-Owned Meter, the New Government Meter Charge Trigger Day; and
 - (2) for a Privately-Owned Meter, the New Private Meter Charge Trigger Day.
- (b) Water NSW may levy on a person referred to in clause 1(a) the telemetry service charge expressed in dollars per meter in Table 17 for the relevant year and relevant Proportion of Voluntary Telemetry Uptake for that year, if:
- (1) the Metering Requirements require the relevant meter to use telemetry; or
 - (2) the Metering Requirements do not require the relevant meter to use telemetry and the Proportion of Voluntary Telemetry Uptake is:
 - (A) less than 25%, regardless of whether or not the relevant meter is read using telemetry; or
 - (B) equal to or greater than 25% and the relevant meter is read using telemetry.
- (c) Water NSW may levy on a person referred to in clause 1(a) the non-telemetry service charge expressed in dollars per meter in Table 18 for the relevant year and relevant Proportion of Voluntary Telemetry Uptake for that year, if:
- (1) the Proportion of Voluntary Telemetry Uptake is equal to or greater than 25%; and
 - (2) the Metering Requirements do not require the relevant meter to use telemetry; and
 - (3) the relevant meter is not read using telemetry.

[Note: On and from the New Government Meter Charge Trigger Day for a Government-Owned Meter, the charges in clause 4 of this Schedule apply and the charge in clause 2(a) of Schedule 4 ceases to apply. The two charges cannot apply simultaneously to a Government-Owned Meter.]

5 Exit fee

Water NSW may levy on a person referred to in clause 1(a) who provides notice that they no longer require services in respect of a Government-Owned Meter, an exit fee calculated as follows:

$$CX - (DD \times N)$$

where:

- (a) **CX** is Water NSW's average capital expenditure on each Government-Owned Meter expressed in dollars per meter in Table 19 for the relevant year;
- (b) **DD** is the daily depreciation of that capital expenditure expressed in dollars per meter in Table 19 for the relevant year; and
- (c) **N** is the number of days between, but not including, the dates that:
 - (1) the Government-Owned Meter became compliant with the Metering Requirements; and
 - (2) the person provides notice to Water NSW that they no longer require services in respect of the Government-Owned Meter.

6 Proportion of Voluntary Telemetry Uptake

- (a) The Proportion of Voluntary Telemetry Uptake for the period from the Commencement Date to 30 June 2022 is taken to be in the 0 - <25% Percentage Band.
- (b) Subject to clause 6(c), the Proportion of Voluntary Telemetry Uptake for each subsequent year of this determination is to be calculated as follows:

$$\frac{A}{B}$$

where:

- (1) **A** is Water NSW's estimate based on the best available information, of the total number of Voluntary Telemetric Meters that will operate by the end of that year, as notified by Water NSW to IPART before the beginning of that year, for publication on IPART's website; and
 - (2) **B** is Water NSW's estimate based on the best available information, of the total number of Potential Voluntary Telemetric Meters that will operate by the end of that year, as notified by Water NSW to IPART before the beginning of the year, for publication on IPART's website.
- (c) If, in respect of a relevant year, the value of 'B' in clause 6(b)(2) is 0, then the Proportion of Voluntary Telemetry Uptake for that year will be taken to be in the '75% or more' Percentage Band.
 - (d) If notification is not made by Water NSW in respect of a relevant year in accordance with clauses 6(b)(1) and/or 6(b)(2), then the Proportion of Voluntary Telemetry Uptake for that year will be taken to be:
 - (1) if the Proportion of Voluntary Telemetry Uptake for the previous year was less than 75%, in the next Percentage Band up from the previous year; and
 - (2) if the Proportion of Voluntary Telemetry Uptake for the previous year was equal to or greater than 75%, in the '75% or more' Percentage Band.

[Note: For example, if Water NSW fails to notify in accordance with clause 6(b)(1) in respect of a relevant year, and the Proportion of Voluntary Telemetry Uptake in the previous year was 35%, then the Proportion of Voluntary Telemetry Uptake in the relevant year will be taken to be in the 50%-<75% Percentage Band.]

Tables 15-19

Table 15 Annual scheme management charge ^a (\$)

Proportion of Voluntary Telemetry Uptake	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
0% - <25%	73.26	73.26 x CPI ₁	73.26 x CPI ₂	73.26 x CPI ₃
25% - <50%	66.01	66.01 x CPI ₁	66.01 x CPI ₂	66.01 x CPI ₃
50% - <75%	58.75	58.75 x CPI ₁	58.75 x CPI ₂	58.75 x CPI ₃
75% or more	51.49	51.49 x CPI ₁	51.49 x CPI ₂	51.49 x CPI ₃

a. The charges in this table are annual charges and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination to which this charge applies, and that is less than a full financial year.

Table 16 Annual Government-Owned Meter service charges^a

Charge	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
Meter service charge - operating costs (\$ per Government-Owned Meter that is not a channel meter)	898.85	898.85 x CPI ₁	898.85 x CPI ₂	898.85 x CPI ₃
Channel meter service charge - operating costs (\$ per Government-Owned Meter that is a channel meter)	6,306.04	6,306.04 x CPI ₁	6,306.04 x CPI ₂	6,306.04 x CPI ₃
Meter service charge - capital costs (\$ per Government-Owned Meter that is not a channel meter)	0.00	0.00 x CPI ₁	0.00 x CPI ₂	0.00 x CPI ₃

a. The charges in this table are annual charges and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination to which this charge applies, and that is less than a full financial year.

Table 17 Annual telemetry service charge ^a (\$ per meter)

Proportion of Voluntary Telemetry Uptake	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
0% - <25%	226.49	226.49 x CPI ₁	226.49 x CPI ₂	226.49 x CPI ₃
25% - <50%	208.74	208.74 x CPI ₁	208.74 x CPI ₂	208.74 x CPI ₃
50% - <75%	191.41	191.41 x CPI ₁	191.41 x CPI ₂	191.41 x CPI ₃
75% or more	182.11	182.11 x CPI ₁	182.11 x CPI ₂	182.11 x CPI ₃

a. The charges in this table are annual charges and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination to which this charge applies, and that is less than a full financial year.

Table 18 Annual non-telemetry service charge ^a (\$ per meter)

Proportion of Voluntary Telemetry Uptake	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
25% - <50%	218.57	218.57 x CPI ₁	218.57 x CPI ₂	218.57 x CPI ₃

Proportion of Voluntary Telemetry Uptake	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
50% - <75%	218.57	218.57 x CPI ₁	218.57 x CPI ₂	218.57 x CPI ₃
75% or more	218.57	218.57 x CPI ₁	218.57 x CPI ₂	218.57 x CPI ₃

a. The charges in this table are annual charges and must therefore be pro-rated in accordance with clause 2.5(b) of Schedule 6 for any period under this determination to which this charge applies, and that is less than a full financial year.

[Note: Water NSW may levy either a telemetry service charge or a non-telemetry service charge (not both) on a person to whom clause 4 applies, in accordance with that clause. Where the Proportion of Voluntary Telemetry Uptake is less than 25%, Water NSW may levy the telemetry service charge (not the non-telemetry service charge), even if the relevant meter is not read using telemetry.]

Table 19 Exit fee (\$ per meter)

Input	Commencement Date to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024	1 July 2024 to 30 June 2025
Average capital expenditure	0.00	0.00 x CPI ₁	0.00 x CPI ₂	0.00 x CPI ₃
Daily depreciation	0.00	0.00 x CPI ₁	0.00 x CPI ₂	0.00 x CPI ₃

Schedule 6 Definitions and interpretation

1 Definitions

1.1 General definitions

In this determination:

2017 Determination means IPART's determination of June 2017 titled *WaterNSW Prices for rural bulk water services from 1 July 2017*.

Aboriginal Cultural Licence means the category of access licence referred to in Schedule 3 of the Water Management Regulation as a 'regulated river (high security) Aboriginal cultural licence'.

ACCC means the Australian Competition and Consumer Commission.

BRC means the Dumaresq-Barwon Border Rivers Commission constituted under the New South Wales–Queensland Border Rivers Agreement made in 1946 and ratified under section 5 of the *New South Wales—Queensland Border Rivers Act 1947* (NSW).

Coastal Bulk Water Service has the meaning given in clause 1(a) of Schedule 2.

Coastal Valley has the meaning given in clause 2.9(b) of Schedule 6.

Commencement Date has the meaning given to that term in clause 3.2(a) of the Preliminary section.

CPI₁, **CPI₂** and **CPI₃** have the meanings given in clause 1.2 of Schedule 6.

Entitlement means the maximum quantity of water that a Licence Holder has a right to take from a Regulated River in a Valley by means of a Water Licence.

[Note: Clause 2.7 of this Schedule sets out how entitlement charges are calculated.]

Fish River Licence means the water management licence granted in May 2012 under Part 9 of the Water Act (NSW) pertaining to the taking and use of water from the Fish River and the Duckmaloi River, as amended or replaced from time to time (including, where replaced by a licence or approval under the Water Management Act).

Fish River Water Supply Scheme has the meaning given to that term in the Water NSW Act.

[Note: Schedule 3 sets out: (i) regulated charges in relation to the Fish River Water Supply Scheme, which are determined under the WCR and (ii) maximum prices for IPART Act Services supplied by Water NSW in the Fish River Water Supply Scheme, which are determined under the IPART Act.]

General Security Licence means a Water Licence of any of the following types (within the meaning of section 57 of the Water Management Act and the regulations made under that Act):

- (a) supplementary water access licence to the extent that it applies to the Lowbidgee Valley;
- (b) the following access licences:
 - (1) regulated river (conveyance) access licence;
 - (2) regulated river (general security) access licence;
 - (3) Murrumbidgee Irrigation (conveyance) access licence;

- (4) Coleambally Irrigation (conveyance) access licence; or
- (c) any other access licence that is not a High Security Licence or a supplementary water access licence.

Government-Owned Meter means a meter that is owned by the NSW Government and installed in connection with a Water Supply Work, including any such meter owned by Water NSW, WAMC or any other NSW government agency or state owned corporation.

High Security Licence means a Water Licence of any of the following types (within the meaning of section 57 of the Water Management Act):

- (a) local water utility access licence;
- (b) major utility access licence;
- (c) domestic and stock access licence; or
- (d) regulated river (high security) access licence.

Infrastructure Service has the meaning given to that term under the WCR.

IPART means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW).

IPART Act Services has the meaning given to that term in clause 2.1(e) of Schedule 7.

Irrigation Corporation has the meaning given to that term under the Water Management Act.

Licence Holder means the holder of a Water Licence.

Licence Register means the Water Access Licence Register kept under the Water Management Act.

Major Customer means a customer in the Fish River Water Supply Scheme specifically identified in the Fish River Licence.

[Note: At the Commencement Date, the Major Customers are EnergyAustralia, Oberon Council, Lithgow City Council and Water NSW (Greater Sydney).]

MAQ refers to minimum annual quantity and has the meaning given in clauses 1(c) or 1(d) in Schedule 3, as the case may be.

MDB has the meaning given to the term 'Murray-Darling Basin' in section 18A of the Water Act (Cth).

[Note: An indicative map of the MDB is set out in Schedule 1A of the Water Act (Cth).]

MDB Bulk Water Services has the meaning given in clause 1(a) of Schedule 1.

MDB Valley has the meaning given in clause 2.9(a) of Schedule 6.

MDBA means the Murray-Darling Basin Authority, being the authority established under section 171 of the Water Act (Cth).

Meter Accuracy Test means a test, conducted at a customer's request, of a Government-Owned Meter to determine whether that Government-Owned Meter meets relevant accuracy standards.

Metering Requirements means the metering equipment requirements set out in the Water Management Regulation.

Minor Customer means a customer in the Fish River Water Supply Scheme that is not a Major Customer.

Miscellaneous Charge means any charge included in Schedule 4.

Monopoly Service has the meaning given to that term in clause 2.1(d) of Schedule 7.

New Government Meter Charge Trigger Day means, in respect of a Government-Owned Meter, the later of:

- (a) the day the meter becomes compliant with the Metering Requirements; and
- (b) if there is a date specified in the Water Management Regulation from which a temporary exemption from the Metering Requirements would cease to have effect in respect of the meter, that date.

New Metering Charge means any charge included in Schedule 5.

New Private Meter Charge Trigger Day means, in respect of a Privately-Owned Meter:

- (a) where a person is directed by the Minister under the Water Management Act to have a meter installed, the date by which that person is required to have an operational meter as specified in that direction; and
- (b) in all other circumstances, the date specified in the Water Management Regulation from which a temporary exemption from the Metering Requirements would cease to have effect in respect of the meter or, if no such date exists in respect of the meter, then the Commencement Date.

Percentage Band means, as the case may be:

- (a) 0-<25%;
- (b) 25%-<50%;
- (c) 50%-<75%; or
- (d) '75% or more'.

Potential Voluntary Telemetric Meter means a meter that operates (whether by telemetry or not) in respect of a person to whom Schedule 5 applies, that is not required under the Metering Requirements to use telemetry but could, in Water NSW's opinion based on the best available information, be practically read using telemetry and includes Voluntary Telemetric Meters.

[Note: For the avoidance of doubt, a meter that is subject to a temporary exemption from the Metering Requirements under the Water Management Regulation is not a Potential Voluntary Telemetric Meter.]

Pricing Principles means the *Pricing Principles for price approvals and determinations under the Water Charge (Infrastructure) Rules 2010 (July 2011)*.

Privately-Owned Meter means a meter that is not a Government-Owned Meter.

Proportion of Voluntary Telemetry Uptake means the proportion of voluntary telemetry uptake calculated in accordance with clause 6 of Schedule 5.

Regulated River has the meaning given to that term under the Water Management Act.

Rural Water Supply Customer means a customer in the Fish River Supply Scheme who is not an Urban Water Supply Customer.

Tagged Water Entitlement means a water Entitlement held by a Licence Holder that has been 'tagged' to an extraction point under section 71W of the Water Management Act.

Urban Water Supply Customer means, in relation to the Fish River Water Supply Scheme, a customer who receives IPART Act Services from Water NSW.

[Note: At the Commencement Date, the Urban Water Supply Customers are Oberon Council, Lithgow City Council and Water NSW (Greater Sydney).]

Valley means an MDB Valley or a Coastal Valley, as the case may be.

Voluntary Telemetric Meter means a meter that operates in respect of a person to whom Schedule 5 applies that uses telemetry and is not required under the Metering Requirements to use telemetry.

[Note: For the avoidance of doubt, a meter that is subject to a temporary exemption from the Metering Requirements under the Water Management Regulation is not a Voluntary Telemetric Meter.]

WAMC means the Water Administration Ministerial Corporation, being the corporation established under section 371 of the Water Management Act, and which is a continuation of, and the same legal entity as, the corporation of that name constituted by the *Water Administration Act 1986* (NSW) (by virtue of clause 17 of Schedule 9 of the Water Management Act).

Water Act (Cth) means the *Water Act 2007* (Cth).

Water Act (NSW) means the *Water Act 1912* (NSW).

Water Licence means an access licence referred to in section 56 of the Water Management Act, of any the following categories (as referred to in section 57 of that Act and the regulations made under that Act):

- (a) regulated river (high security) access licence;
- (b) regulated river (general security) access licence;
- (c) regulated river (conveyance) access licence;
- (d) supplementary water access licence;
- (e) major utility access licence;
- (f) local water utility access licence;
- (g) domestic and stock access licence;
- (h) Murrumbidgee Irrigation (conveyance) access licence;
- (i) Coleambally Irrigation (conveyance) access licence; or
- (j) any other category of access licence that authorises the extraction of water from a Regulated River.

[Note: For the avoidance of doubt, this determination does not apply to floodplain harvesting access licences.]

Water Management Act means the *Water Management Act 2000* (NSW).

Water Management Regulation means the *Water Management (General) Regulation 2018* (NSW).

Water NSW means the statutory corporation constituted under the Water NSW Act.

Water NSW Act means the *Water NSW Act 2014* (NSW).

Water Services Order means the *Independent Pricing and Regulatory Tribunal (Water Services) Order 2004*.

Water Supply Work has the meaning given to that term in the Water Management Act.

Water Supply Work Approval has the meaning given to that term in the Water Management Act.

WCR means the *Water Charge Rules 2010* (Cth). Unless stated otherwise, a reference in this determination to the WCR is a reference to those rules as in effect immediately before 1 July 2020.

Yanco Creek System has the meaning given to the term 'Yanco System' in Schedule 4 of the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016*.

1.2 Consumer Price Index

- (a) In this determination, CPI means the consumer price All Groups index number for the weighted average of eight capital cities, published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then CPI will mean an index determined by IPART.
- (b) In this determination:

$$CPI_1 = \frac{CPI_{March2022}}{CPI_{March2021}}$$

$$CPI_2 = \frac{CPI_{March2023}}{CPI_{March2021}}$$

$$CPI_3 = \frac{CPI_{March2024}}{CPI_{March2021}}$$

where:

$CPI_{March2021}$ means CPI for the March quarter of 2021;

$CPI_{March2022}$ means CPI for the March quarter of 2022;

$CPI_{March2023}$ means CPI for the March quarter of 2023; and

$CPI_{March2024}$ means CPI for the March quarter of 2024.

2 Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, clause, paragraph or table is a reference to a schedule to, clause of, paragraph in, or table in, this determination unless otherwise indicated;
- (c) for a regulated charge determined under the WCR, a construction that would promote the purpose or object expressly or impliedly underlying the WCR and the Pricing Principles is to be preferred to a construction that would not promote that purpose or object;

- (d) for a maximum price determined under the IPART Act, a construction that would promote a purpose or object expressly or impliedly underlying the IPART Act is to be preferred to a construction that would not promote that purpose or object;
- (e) words or expressions importing the singular include the plural and vice versa;
- (f) unless otherwise stated, a reference to a law or statute includes regulations, ordinances, by-laws, rules, codes and other instruments (including licences) under it and consolidations, amendments, re-enactments or replacements of them or of the law or statute itself;
- (g) where a word or expression is defined, other grammatical forms of that word or expression have a corresponding meaning;
- (h) a reference to a day is to a calendar day;
- (i) a reference to a Licence Holder's water take for the purposes of calculating a water take charge as that term is used in Schedules 1 and 2 (including an MDBA/BRC water take charge as that term is used in Schedule 1) means:
 - (1) where the Licence Holder has traded or transferred an allocation of water (including by "tagging" the relevant Water Licence) to a person whose extraction of water is measured by a Government-Owned Meter: the metered volume of water extracted by that person;
 - (2) where the Licence Holder has traded or transferred an allocation of water (including by "tagging" the relevant Water Licence) to a person whose extraction of water is not measured by a Government-Owned Meter:
 - (A) if Water NSW has access to relevant and reliable metering information – the metered volume of water extracted by that person; or
 - (B) if relevant and reliable metering information is not reasonably available to Water NSW – Water NSW's best estimate of the volume of water extracted by that person; or
 - (3) in any other case: the metered volume of water extracted by the Licence Holder;
- (j) a reference to a person includes a reference to the person's executors, administrators, successors, replacements (including, but not limited to, persons taking by novation), agents and assigns;
- (k) a reference to a body, whether statutory or not:
 - (1) which ceases to exist; or
 - (2) whose powers or functions are transferred to another body,is a reference to the body which replaces it or which substantially succeeds to its powers or functions; and
- (l) a reference to a business name which is replaced by a different business name is taken to be a reference to the replacement business name.

2.2 Explanatory notes, alternative text and clarification notice

- (a) Explanatory notes and examples and alternative text do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) IPART may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination. Such a clarification notice is taken to form part of this determination.

2.3 Prices exclusive of GST

Prices or charges specified in this determination do not include GST.

2.4 Water NSW's billing cycle

For the avoidance of doubt, nothing in this determination affects when Water NSW may issue a bill to a customer for charges under this determination.

2.5 Annual charges and pro-rating

- (a) The annual charges in this determination apply to each financial year (1 July to 30 June inclusive).
- (b) In respect of any period after the Commencement Date that is less than a full financial year, the annual charges and annual discounts in this determination (other than charges calculated by reference to water take) will be pro-rated for that period, based on the proportion that the number of days in that period bears to the number of days in the financial year.

[Note: For example, if this determination commences on 1 October 2021 the annual charges in this determination will be pro-rated based on the number of days in the period from 1 October 2021 to 30 June 2022 as a proportion of the total number of days in the financial year from 1 July 2021 to 30 June 2022. The annual charges for the period from 1 July 2021 to 30 September 2021 will be determined under the 2017 Determination and pro-rated in accordance with that determination.]

- (c) Different annual charges apply to Government-Owned Meters and Privately-Owned Meters. Where a person switches from a Government-Owned Meter to a Privately-Owned Meter (or vice versa), the annual charges will be pro-rated based on the proportion of days in the year that the person had a:
 - (1) Government-Owned Meter installed; and
 - (2) Privately-Owned Meter installed.
- (d) Different annual charges apply to meters that are read using telemetry and meters that are not read using telemetry. Where a person switches from a meter read using telemetry to one that is not read using telemetry (or vice versa), the annual charges will be pro-rated based on the proportion of days in the year that the person had a meter installed that was:
 - (1) read using telemetry; and
 - (2) not read using telemetry.

[Note: Clause 2.5 is not intended to prohibit Water NSW from issuing a bill for any period before the Commencement Date.]

2.6 Billing on behalf of WAMC

Nothing in this determination prevents Water NSW from billing on behalf of WAMC for services provided by WAMC.

2.7 Entitlement charges

For the purpose of calculating an entitlement charge, as that term is used in Schedules 1 and 2 (including an MDBA/BRC entitlement charge as that term is used in Schedule 1):

- (a) a reference to an Entitlement is a reference to an Entitlement without regard to any part of the Entitlement that may be carried over from a previous year;
- (b) where the share component of the Water Licence is expressed as a volume, the entitlement charge is expressed in dollars per megalitre of Entitlement; and
- (c) where the share component of the Water Licence is expressed in unit shares or as a proportion of available water, the entitlement charge is expressed in dollars per unit share.

2.8 Metering of water take charges for Irrigation Corporations

The metering of water take charges for the supply of water to an Irrigation Corporation from a Valley is to be determined at the point or points of off-take from the Regulated River or as set out in that Irrigation Corporation's Water Supply Work Approval.

2.9 MDB and Coastal Valleys

- (a) In this determination, a reference to an MDB Valley is a reference to the relevant Valley in the MDB more fully described in the following table:

MDB Valley	Description
Regulated Rivers	
Border	If a relevant water sharing plan under the Water Management Act is in place for the Border Valley, then the water sources as defined in that plan. In any other case: Border Rivers including the Severn, the Macintyre and Dumaresq rivers down to Mungindi.
Gwydir	If a relevant water sharing plan under the Water Management Act is in place for the Gwydir Valley, then the water sources as defined in that plan. In any other case: Gwydir River and Gwydir Wetlands, Mehi river, Gil Creek and Moomin Creek to the junction with the Barwon River.
Namoi	If a relevant water sharing plan under the Water Management Act is in place for the Namoi, then the water sources as defined in that plan. In any other case: Namoi River to Peel River and Pian Creek to Barwon River.

Peel	If a relevant water sharing plan under the Water Management Act is in place for the Peel Valley, then the water sources as defined in that plan. In any other case: Peel River to junction with Namoi River.
Lachlan	If a relevant water sharing plan under the Water Management Act is in place for the Lachlan Valley and Belubula River, then the water sources as defined in those plans. In any other case: Lachlan and Belubula River to the Murrumbidgee River junction.
Macquarie	If a relevant water sharing plan under the Water Management Act is in place for the Macquarie Valley, then the water sources as defined in that plan. In any other case: Macquarie River, the Cudgegong and Bogen rivers to junction with Darling River.
Murray	If a relevant water sharing plan under the Water Management Act is in place for the Murray Valley, then the water sources as defined in that plan. In any other case: Murray River including the Darling River below Menindee.
Murrumbidgee	If a relevant water sharing plan under the Water Management Act is in place for the Murrumbidgee Valley, then the water sources as defined in that plan (excluding Lowbidgee extractions). In any other case: Murrumbidgee River to junction with Murray River, including Yanco, Columbo and Billabong Creeks and Tumut River.
Lowbidgee	If a relevant water sharing plan under the Water Management Act is in place for the Lowbidgee Valley, then the water sources for the Lowbidgee area as defined in that plan. In any other case: the area of the former Lowbidgee Flood Control and Irrigation District, as constituted under the former Part 7 of the Water Act (NSW), plus a small additional area required to incorporate the whole of the water body Lake Marimley in the water source.

- (b) In this determination, a reference to a Coastal Valley is a reference to the relevant Valley more fully described in the following table:

Coastal Valley	Description
Regulated Rivers	
North Coast	If a water sharing plan under the Water Management Act is in place for the North Coast Valley, then the water sources as defined in that plan. In any other case: Regulated flows for Iron Pot and Eden Creeks.
Hunter	If a water sharing plan under the Water Management Act is in place for the Hunter Valley and Paterson River, then the water sources as defined in those plans. In any other case: Hunter River, including Paterson River and Glennies Creek.
South Coast	If a water sharing plan under the Water Management Act is in place for the South Coast Valley, then the water sources as defined in that plan. In any other case: Brogo and Bega River Catchments.

- (c) A reference in this determination to the 'relevant MDB Valley' or the 'relevant Coastal Valley' (other than in the case of the water take component of a licence) is a

reference to the MDB Valley or the Coastal Valley for a Licence Holder as set out in the Licence Register. In the case of the water take component of a licence, the 'relevant MDB Valley' or the 'relevant Coastal Valley' is:

- (1) in the case of a Tagged Water Entitlement: the MDB Valley or Coastal Valley as set out in the Licence Register for the Licence Holder whose nomination of the 'tagged' extraction point has been approved under section 71W of the Water Management Act; and
- (2) in the case of a licence transfer, or an assignment of rights or water allocations, each under Chapter 3, Part 2 of the Water Management Act: the MDB Valley or Coastal Valley as set out in the Licence Register for the transferor or assignee (as the case may be).

Schedule 7 Requirements of the WCR and IPART Act

1 Requirements of the WCR

1.1 IPART's determination under the WCR

- (a) Water NSW's pricing proposal was submitted on 30 June 2020 and is therefore a 'transitional application' under rule 81(2) (Transition for existing Part 6 operators) of the WCR (as currently in force). As such, the charges to which Water NSW's application relates are to be determined or approved in accordance with Part 6 of the WCR as in force immediately before 1 July 2020 (see the definition of WCR in Schedule 6).
- (b) Water NSW has applied under rule 25 of the WCR for approval of its regulated charges for the regulatory period commencing 1 July 2021. Under rule 29 of the WCR, IPART must not approve the regulated charges set out in Water NSW's application unless it is satisfied that:
 - (1) Water NSW's regulatory asset base, which is used to calculate the regulated charges, has been determined in accordance with Schedule 2 of the WCR;
 - (2) Water NSW's total forecast revenue (from all sources) for the regulatory period is reasonably likely to meet the prudent and efficient costs of providing Infrastructure Services in that regulatory period; and
 - (3) the forecast revenue from regulated charges is reasonably likely to meet that part of the prudent and efficient costs of providing Infrastructure Services that is not met from other revenue.
- (c) Under rule 29(3) of the WCR, if IPART is not satisfied as to the matters referred to in clause 1.1(b)(1) to (3) above, then IPART must determine Water NSW's regulated charges:
 - (1) on the basis of Water NSW's regulatory asset base, determined in accordance with Schedule 2 of the WCR; and
 - (2) so as to be satisfied as to the matters referred to in clause 1.1(b)(2) and (3) above.
- (d) IPART is not satisfied as to the matters referred to in clause 1.1(b)(1) to (3) above in relation to the regulated charges set out in Water NSW's application, and has therefore determined Water NSW's regulated charges in accordance with the requirements of rule 29(3) of the WCR.
- (e) In making this determination, IPART has also:
 - (1) had regard to whether the regulated charges would contribute to achieving the Basin water charging objectives and principles set out in Schedule 2 of the Water Act (Cth), consistent with rule 29(4) of the WCR; and
 - (2) applied the Pricing Principles in accordance with the conditions of its accreditation by the ACCC under Part 9 of the WCR.

1.2 Regulated charges

- (a) For the purposes of this determination, Water NSW's 'regulated charges' are:
 - (1) the fees or charges payable to Water NSW for access to Water NSW's irrigation network, or services provided in relation to that access; and
 - (2) Water NSW's bulk water charges.
- (b) The Regulated Rivers in MDB Valleys for which IPART has determined regulated charges are described in clause 2.9(a) of Schedule 6. In summary, Schedules 1 and 4 cover Regulated Rivers in the following MDB Valleys:
 - (1) Border;
 - (2) Gwydir;
 - (3) Namoi;
 - (4) Peel;
 - (5) Lachlan;
 - (6) Macquarie;
 - (7) Murray;
 - (8) Murrumbidgee; and
 - (9) Lowbidgee.
- (c) Under section 91(3) of the Water Act (Cth), the WCR do not apply to charges for 'urban water supply activities' beyond the point at which the water has been removed from a Basin water resource. As a result, in the Fish River Water Supply Scheme, IPART sets maximum prices for Urban Water Supply Customers under the IPART Act, and regulated charges for Rural Water Supply Customers under the WCR. The regulated charges that Water NSW may levy in the Fish River Water Supply Scheme are set out in Schedule 3, and the Miscellaneous Charges in Schedule 4.

1.3 Monitoring

The ACCC retains monitoring, enforcement and advisory functions under the Water Act (Cth) in relation to the determination of charges under the WCR.

2 Determination under the IPART Act

2.1 Coverage of this determination

- (a) Section 11 of the IPART Act provides IPART with a standing reference to conduct investigations and make reports to the Minister on the determination of the pricing for a government monopoly service that is supplied by a government agency specified in Schedule 1 to the IPART Act.
- (b) Water NSW is listed as a government agency in Schedule 1 to the IPART Act, but excluding the services provided by Water NSW in respect of which fees or charges may be approved or determined in accordance with Parts 6 or 7 of the WCR, or the applied provisions² under Part 3B of the IPART Act.
- (c) Section 4(1) of the IPART Act provides that a government monopoly service is a service supplied by a government agency and declared to be a government monopoly service. Section 4(7) of the IPART Act provides that Water NSW is taken to be the supplier of any government monopoly services for which fees and charges are payable under the Water NSW Act.
- (d) The Water Services Order declares certain services provided by the 'State Water Corporation' to be government monopoly services, namely:
 - (1) the making available of water;
 - (2) the making available of the State Water Corporation's water supply facilities; or
 - (3) the supplying of water, whether by means of the State Water Corporation's water supply facilities or otherwise,(together, **Monopoly Services**).

References to the former State Water Corporation in the Water Services Order are to be read as references to Water NSW, in accordance with clause 24 of Schedule 2 of the Water NSW Act.
- (e) Accordingly, under the IPART Act, IPART is to conduct an investigation and make a report to the Minister that determines maximum prices for Monopoly Services supplied by Water NSW for which fees and charges may not be determined under the WCR (**IPART Act Services**).
- (f) Schedules 2 and 4 cover Water NSW's IPART Act Services that are supplied in the:
 - (1) North Coast;
 - (2) Hunter; and
 - (3) South Coast.
- (g) For Urban Water Supply Customers in the Fish River Water Supply Scheme, the maximum prices that Water NSW may levy are set out in Schedule 3, and the Miscellaneous Charges in Schedule 4.

² The 'applied provisions' include, among other things, Divisions 2, 3 and 4 of Part 6 of the WCR, and Schedule 2 of the WCR. These provide for the determination of regulated charges for Water NSW.

2.2 Requirements of the IPART Act

- (a) In determining the pricing of the IPART Act Services, IPART has had regard to a broad range of matters, including the matters in section 15(1) of the IPART Act.
- (b) In accordance with section 13A of the IPART Act, IPART has fixed maximum prices for the IPART Act Services supplied by Water NSW.
- (c) Under section 18(2) of the IPART Act, Water NSW may not fix a price for IPART Act Services below that determined by IPART without the approval of the Treasurer.

2.3 Monitoring

For IPART Act Services supplied by Water NSW, IPART may monitor Water NSW's performance for the purposes of:

- (a) establishing and reporting on the level of Water NSW's compliance with this determination in relation to the supply of IPART Act Services; and
- (b) preparing a periodic review of pricing policies in respect of the IPART Act Services.