

Guideline for scheme-specific price review requests

For wholesale water and sewerage services provided by Sydney Water Corporation or Hunter Water Corporation

Guide

November 2025



Acknowledgment of Country

IPART acknowledges the Traditional Owners of the lands where we live and work. Our office is located on Gadigal land and our work touches on Aboriginal lands and waterways across NSW.

We pay respect to their Elders both past and present, and recognise Aboriginal people's unique and continuing cultural connections, rights and relationships to land, water and Country.



Image taken on Worimi Country (Myall Lakes)

The Independent Pricing and Regulatory Tribunal

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Amendment table

Issue number	Date issued	Reason/s for amendment
Issue 1	January 2018	Initial release of guidance document
Issue 2 [Draft]	October 2025	New proposed Tribunal decisions and legislative changes
Issue 3	November 2025	Minor additions arising from consultation

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1 Introduction

1.1 Purpose

The purpose of this guideline is to provide a framework for wholesale customers and wholesale service providers that clearly sets out the process and requirements for a scheme-specific review.

The objectives of this document are to:

- outline what a scheme-specific review involves
- explain the general principles and approach we would use to undertake a scheme-specific review
- support wholesale customers and wholesale service providers to prepare for, request and participate in a scheme-specific review.

This guideline (along with our scheme-specific review request form) may also assist wholesale customers and wholesale service providers negotiate with each other and help facilitate agreement without the need for a scheme-specific review.

We note that this document is only a guideline and is not binding. The Independent Pricing and Regulatory Tribunal (IPART) may depart from the guideline where we consider it appropriate or necessary.

1.2 Changing the guideline

We may change and update this guideline (and/or our scheme-specific review request form) as we gain further experience in undertaking scheme-specific reviews. We may change the guideline to, for example:

- improve the scheme-specific review process
- amend the information that should be provided to us
- incorporate stakeholder feedback.

1.3 Feedback from stakeholders

We value feedback from our stakeholders. Over time, wholesale customers and wholesale service providers, or other stakeholders may identify opportunities for improving the scheme-specific review process or this guideline (and/or our scheme-specific review request form). We encourage stakeholders to provide feedback on any issues to make the scheme-specific review process more efficient and effective, (and/or this guideline (or our request form) more useful.

1.4 Structure of this guideline

Chapter

01	Introduction Purpose and structure of the document.
02	What is a scheme-specific review? What a scheme-specific review is, including by whom and when they may be requested.
03	Process and timeframe for a scheme-specific review The process and timeline for undertaking a scheme-specific review within four months of receiving a request.
04	General principles and approach to undertaking a scheme-specific review Explains that our previous decisions for wholesale services will provide a starting point for our approach to scheme-specific reviews, and outlines other matters we would consider in undertaking a scheme-specific review.
05	What to do prior to making a request for a scheme-specific review Provides a checklist for activities that should done prior to making a request for a scheme-specific review.
06	How to make a request for a scheme-specific review
07	Information we will require to undertake a scheme-specific review Provides guidance on what information will be required for a scheme-specific review and how we will proceed if timely information is not provided.
08	How confidential information will be managed

2 What is a scheme-specific review?

In June 2017, we released our Final Report and Determinations for prices for wholesale water and sewerage services provided by Sydney Water Corporation (Sydney Water) and Hunter Water Corporation (Hunter Water).

Wholesale water and sewerage services are purchased from Sydney Water and/or Hunter Water (as the wholesale service provider) by wholesale customers, who may be subject to licensing and approval requirements under the *Water Industry Competition Act 2006* (the WIC Act), for the purpose of supplying water and/or sewerage services to end-use (or 'retail') customers.

2.1 We allow for scheme-specific reviews under our regulatory framework

Our Final Report set out our regulatory framework for wholesale prices which comprises three components:

- System-wide retail-minus prices for on-selling water and sewerage services for new schemes without a recycled water plant, to apply from 1 January 2018 to 30 June 2021.^a
 - We decided not to apply the system-wide retail-minus prices to schemes where there is a recycled water plant. This is because, we concluded it is currently not possible to include the impact of recycled water plants in system-wide prices. Rather, these impacts can only be assessed via scheme-specific reviews.
- Scheme-specific reviews i.e. parties may request that IPART set scheme-specific prices by undertaking a scheme-specific review.^b
- Unregulated agreements i.e. parties may privately negotiate prices.

Our regulatory framework provides for prices to be set by IPART via a scheme-specific price review or for parties to enter into an unregulated pricing agreement where our system-wide prices:

- do not apply (i.e. existing schemes or new schemes where a recycled water plant is present)
- do not reflect a particular scheme's characteristics (e.g. characteristics that may result in cost savings or increased costs for wholesale service providers).

Scheme-specific reviews will allow us to consider cost savings (and cost increases) from a scheme and reflect these in wholesale prices.

^a For further information see our Determinations – IPART, Sydney Water Corporation – Maximum prices for wholesale water, sewerage and trade waste services from 1 January 2018 (excluding services supplied to recycled water systems), Determination No. 4, 2017; IPART, Hunter Water Corporation – Maximum prices for wholesale water, sewerage and trade waste services from 1 January 2018 (excluding services supplied to recycled water systems), Determination No. 3, 2017 – available on our website: www.ipart.nsw.gov.au. (Final Report, p 82)

^b A scheme-specific price determination would be made in the same way as other price determinations made under section 11 of the IPART Act. (Final Report, p 72)

2.2 A wholesale customer/provider can request a review at any time

In the event that a wholesale customer and wholesale service provider are unable to agree on a price for a wholesale service(s), either the wholesale customer and/or wholesale service provider can request that IPART undertake a scheme-specific review to determine a price for the service(s).

We expect that a party applying for a scheme-specific review will notify the other party before lodging the application with IPART. This could consist of written notification at least ten business days before the application is lodged. This would give the parties the best chance to reach agreement before a review is initiated.

In addition, IPART has a standing reference to investigate and make reports on the determination of pricing for such services under the *Independent Pricing and Regulatory Tribunal Act 1992* (the IPART Act). Given this standing reference, IPART may also initiate a review without a request from either party, as the wholesale services concerned are 'government monopoly services' supplied by Sydney Water and Hunter Water. However, we would not expect to initiate a scheme-specific review except under exceptional circumstances.

3 Process and timeframe for a scheme-specific review

In undertaking a scheme-specific review, we would seek to minimise the time, costs and uncertainty associated with the review.

To reduce administrative costs associated with scheme-specific reviews and depending on the timing of requests, we may undertake reviews and determine prices for a number of schemes providing similar services at the same time.

3.1 A 4-month process and timeline for scheme-specific reviews

We have developed a process and timeline for undertaking a scheme-specific review within four months of receiving a request, as outlined in Figure 3.1.

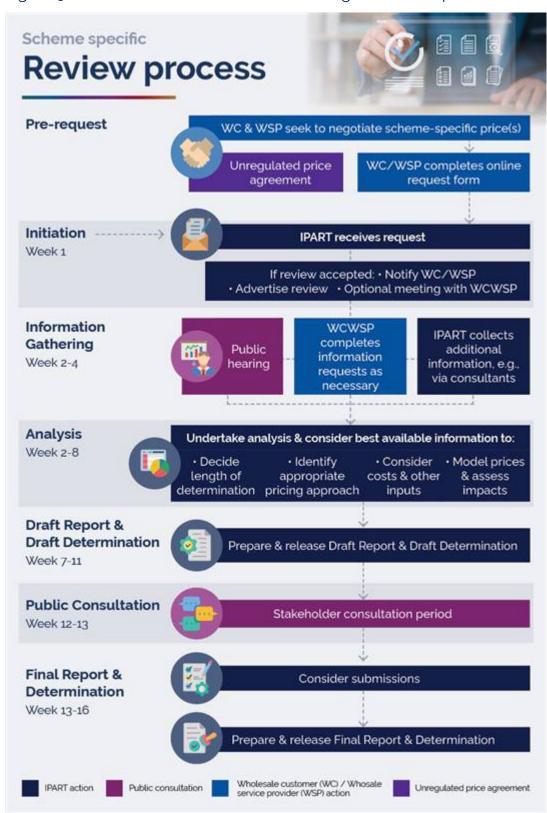


Figure 3.1 Process and timeline for undertaking a scheme-specific review

Notes: Whilst the overall timeframe is four months from when IPART receives a request, the timing of each step is indicative and flexible. The timing of some steps may also overlap. When a review is requested, we will work with the relevant parties to confirm the specific steps and timeframe for each step within the four-month period.

We have divided the process for undertaking a scheme-specific review into seven key phases.

1. Pre-request phase

The scheme-specific review process should begin prior to a review request being made. It should begin with an attempt by the wholesale customer and wholesale service provider to negotiate a price for the wholesale service(s).

If unable to agree on a price for the service, the wholesale customer and/or wholesale service provider can complete a scheme-specific review request form and submit it to IPART to request that IPART undertake a scheme-specific review for the service(s).

2. Initiation phase

Once we receive the completed scheme-specific review request form, IPART will then:

- Identify whether the Tribunal will require advice from additional independent experts and will estimate the time needed to procure that expertise
- Undertake an assessment of the information provided and if the application for the scheme specific review and submissions of parties are not sufficiently complete to allow the Tribunal to proceed with the review the Tribunal may decide to put in place a deferral of the scheme review to obtain further information (see section 3.3)
- Decide whether to proceed with the scheme-specific review for the wholesale service(s) requested.

Note that, IPART may also decide to limit a review for a service to any particular part or category of that service, e.g. a review may be limited to those parts of a service for which the wholesale customer and wholesale service provider have not already negotiated a price.

- If IPART proceeds with the review, we will give both parties (i.e. the wholesale customer and wholesale service provider) notice of the review and key dates for the review.
- Advertise the scheme-specific review, as required by the IPART Act.

We may also hold a preliminary meeting with the wholesale customer and wholesale service provider to confirm:

- the scope of the review
- approaches that could be used to resolve areas of disagreement other than a schemespecific review
- whether we are currently conducting any scheme-specific reviews involving similar issues
- arrangements for information flows.

3. Information gathering phase

During this phase, we will hold a public hearing (also required by the IPART Act), at which the wholesale customer and wholesale service provider, as well as other stakeholders, including members of the public will be invited to participate. We may also hold part of a public hearing in private, e.g. if confidentiality is a concern.

We will also gather further relevant information from the wholesale customer and/or wholesale service provider, as required. In particular, we will request that the other party to the review complete and submit to IPART an information return (similar to the scheme-specific review request form) at this time.

During this time we will also gather additional relevant information, e.g. using consultants and/or from information previously submitted to IPART (e.g. as part of an application for an approval or licence under the WIC Act).

4. Analysis phase

As outlined in Figure 3.1 we will undertake analysis to make our decisions to determine the scheme-specific price(s) to apply. In particular we will undertake analysis to:

- decide on the length of the determination
- identify the appropriate pricing approach for the service(s)
- consider the costs of the service(s)
- consider other inputs, e.g. weighted average cost of capital (WACC)
- determine the price(s) for the service(s), and
- consider the likely impact(s) of the price(s).

We may also engage consultants to assist us in undertaking this phase of the scheme-specific review.

5. Draft Report and Draft Determination phase

During this phase we will make draft decisions and publicly release a Draft Report and Draft Determination for consultation.

6. Public consultation phase

Following the release of our Draft Report and Draft Determination, we will invite stakeholder to make submissions on our draft decisions. We may take any submissions (including those made by the public) into account in determining a price for a scheme-specific review.

7. Final Report and Determination phase

After the public consultation phase, we will then consider stakeholder submissions before we make our final decisions. Following this, we will publicly release a Final Report and Determination.

We note that, in the event that one or both parties do not provide timely information during the review process, the Chair has powers to issue a notice to require provision of information. It is an offence if a person, without reasonable excuse, refuses or fails to comply with such a notice.

3.2 The role of the wholesale customer and provider in the process

Box 3.1 outlines the role of the wholesale customer and wholesale service provider in the scheme-specific review process.

c IPART Act, s 22.

d IPART Act, s 23.

Box 3.1 The role of the parties in the scheme-specific review process

Pre-request phase

- The wholesale customer and service provider should seek to reach an agreement on price.
- If unable to agree a price, the wholesale customer and/or wholesale service provider should complete a scheme-specific review request form using best available information.

We note that early provision of relevant information to the review would assist us in undertaking any subsequent review and may reduce the scope and time for any subsequent information requests.

(See Chapter 5 for further information on what to do prior to making a request for a scheme-specific review).

Initiation phase

The wholesale customer and wholesale service provider may be invited to participate in a preliminary meeting held by IPART, and should make available representatives to attend any such meeting.

Information gathering and analysis phases

The wholesale customer and wholesale service provider may need to respond to information requests from IPART (or our consultants), and should respond in a timely manner.

The wholesale customer and wholesale service provider will be invited to attend a public hearing(s) held by IPART, and should make available representatives to attend the public hearing(s).

The wholesale customer and wholesale service provider should make available representatives to meet with consultants we have engaged to assist in the review.

Public consultation phase

The wholesale customer and wholesale service provider will be invited to make a submission to the Draft Report.

Draft Report/Draft Determination phase

Wholesale customers and wholesale service providers may also need to respond to further information requests to resolve any outstanding issues (although this is unlikely).

3.3 We may defer or adjourn the review process

IPART may defer a scheme-specific review under certain circumstances. For example, we may defer a scheme-specific review until after:

- the parties have provided all the information IPART requires to make a determination
- IPART has procured any external experts it requires to inform its determination
- the parties have had an opportunity to negotiate privately.

The Tribunal may allow an adjournment of the scheme review for a reasonable period if both parties agree, in order to allow negotiation. If both parties agree to withdraw from a scheme-specific review (in writing), IPART may discontinue that scheme specific review or defer its conduct until further notice. In the case of extended adjournments at the request of both parties, IPART may decide to discontinue the review.

Any Tribunal adjournment of the scheme review will specifically identify a reasonable time period for the adjournment of up to four weeks. The Tribunal can decide to further extend the adjournment by up to four weeks at a time if it considers further information is required to enable fair decision making. There is no limit on the number of times the Tribunal may extend the adjournment, but it would actively consider the merits of each extension decision.

IPART will consult with the parties before deciding to make any adjournment.

General principles and approach to undertaking a 4 scheme-specific review

Our main objective for a scheme-specific review is to set a price(s) that allows new entry to the market for end-use water and sewerage services to occur where this is efficient, to promote competition for the benefit of consumers.

This means that for a scheme-specific review we need to set wholesale prices that:

- encourage efficient entry where it would result in lower prices (at the same or better service levels) or enhanced service levels over time for end-use customers, and
- do not encourage inefficient entry where it would result in higher prices over time for end-use customers.

Our previous decisions for wholesale services provide a starting 4.1 point

In our Final Report on prices for wholesale water and sewerage service (released in June 2017), we noted that our decisions on pricing approaches for wholesale services would provide the starting point for a scheme-specific review.

Our current view is that if we were to undertake a scheme-specific review for:

- On-selling services (i.e. those on-sold to end-use customers) in a scheme with a recycled water plant, retail minus reasonably efficient competitor costs, plus net facilitation costse, is the most appropriate pricing approach.
 - We consider this approach ensures a level playing field in competing for end-use customers, signals efficient investment and prevents service provision to wholesale customers at the expense of Sydney Water's/Hunter Water's existing customers.
- Services not on-sold, e.g. potable top-up and disposal of waste from a recycled water plantf, the non-residential retail price(s) plus net facilitation costs is the most appropriate pricing approach9.
 - We consider that as the wholesale customer is not on-selling the wholesale service to enduse customers, but rather using it as an input in the production of another product (recycled water), the wholesale customers are effectively the same as other non-residential customers.

e Net facilitation costs represent the sum of positive and negative facilitation costs (ie, facilitation costs less cost savings). A positive (negative) net facilitation cost would result in higher (lower) wholesale charges.

f For example, where a wholesale customer that operates a recycled water plant and purchases drinking water to top up its recycled water plant, or discharges waste from the recycled water plant to Sydney Water's or Hunter Water's sewerage network, but does not on-sell sewerage services to end-use customers.

⁹ These prices are included in our retail determinations for Sydney Water and Hunter Water. These determinations are available on our website.

However, we would consider views and information put forward by stakeholders in the scheme-specific review, as well as the matters listed in section 15 of the IPART Act.

In our Final Report we recognised that wholesale customers may impose additional costs or cost savings on wholesale service providers beyond those reflected in retail-minus (for on-selling services) or non-residential retail (for potable top-up and, where there is no on-selling, disposal of waste from a recycled water plant) prices. We refer to these as positive (costs) or negative (cost savings) facilitation costs.

In principle, we consider that prudent and efficient facilitation costs should be included in wholesale prices, where they are:

- additional to what the wholesale service provider would have otherwise incurred in the absence of servicing the wholesale customer, and
- not reflected elsewhere in the wholesale price or recovered via another charging or funding mechanism of the wholesale service provider.

We also consider that facilitation costs should:

- reflect the status of water and sewerage developer charges
- include positive (costs) and negative costs (cost savings), where appropriate
- exclude initial transaction costs
- exclude ongoing administration costs, except where they are material.

4.2 Other matters we would consider in undertaking a schemespecific review

In undertaking a scheme-specific review, we would also consider all matters listed in section 15 of the IPART Act, as a scheme-specific price determination would be made in the same way as other price determinations made under section 11 of the IPART Act. Section 15 matters include:

- a. the cost of providing the services concerned
- b. the protection of consumers from abuses of monopoly power in terms of prices, pricing policies and standard of services
- c. the appropriate rate of return on public sector assets, including appropriate payment of dividends to the Government for the benefit of the people of New South Wales
- d. the effect on general price inflation over the medium term
- e. the need for greater efficiency in the supply of services so as to reduce costs for the benefit of consumers and taxpayers
- f. the need to maintain ecologically sustainable development^h by appropriate pricing policies that take account of all the feasible options available to protect the environment
- g. the impact on pricing policies of borrowing, capital and dividend requirements of the government agency concerned and, in particular, the impact of any need to renew or increase relevant assets

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h These principles are set out in section 6(2) of the Protection of the Environment Administration Act 1991.

- h. the impact on pricing policies of any arrangements that the government agency concerned has entered into for the exercise of its functions by some other person or body
- i. the need to promote competition in the supply of the services concerned,
- j. considerations of demand management (including levels of demand) and least cost planning
- k. the social impact of the determinations and recommendations, and
- l. standards of quality, reliability and safety of the services concerned (whether those standards are specified by legislation, agreement or otherwise).

Scheme-specific reviews may be complex or simple, dependent on the scheme characteristics, information provided by the parties and the level of agreement reached. In undertaking a scheme-specific review we would also consider:

- any matters agreed between the parties (with a view to focusing on areas of disagreement)
- the extent to which both parties have provided the necessary information for the review
- the application of IPART's proposed approach of retail minus reasonably efficient competitor costs for on-selling services at a scheme-specific level
- positive and negative facilitation costs (including the potential benefits of recycled water in terms of reducing costs for the wholesale service provider)
- the regulatory period to apply to the scheme-specific price determination
- the need to ensure there is no double-counting between facilitation costs and other components of the wholesale charge (e.g. the retail-minus element)
- the management of any information indicated as confidential, and
- any other matter the Tribunal considers relevant to the review.

4.3 To decide on length of determination we will consider several factors

The length of the period a scheme-specific determination would apply would be decided by IPART as part of each scheme-specific review; taking into account the views and information provided by stakeholders in each review.

In deciding on the length of the determination period, we would consider a range of matters, including:

- the confidence we can place in the cost forecasts
- the risk of significant changes to the scheme
- the need for price flexibility and incentives to increase efficiency and encourage efficient entry
- the need for regulatory certainty and financial stability.

4.4 We will generally not use true-ups, interim prices or back-date determinations

In undertaking a scheme-specific review, we would not generally apply a true-up mechanism or set an interim price.

Because of this, an IPART-determined price will only apply from the commencement of supply of the wholesale service to a wholesale customer if the scheme-specific review process is completed before supply of the service has commenced.

If the scheme-specific review process is not completed before supply of the wholesale service commences, and the wholesale service supplied is not covered by IPART's prevailing wholesale or retail price determinations, the wholesale service provider and customer would be required to reach a temporary pricing agreement.

What to do prior to making a request for a scheme-specific review

Prior to a scheme-specific review, we would expect both parties to negotiate (in good faith) and seek to reach agreement.

At a minimum, this negotiation process would allow both parties to commence a scheme-specific review with a common understanding of the key areas that remain outstanding. This would allow the review to be as targeted and streamlined as possible, which may reduce the time and information requirements, to the benefit of all parties. This negotiation process should also ensure that both parties are well equipped to respond to IPART's information requests during the review. Given the four month timeline for a review, it will be essential for all parties to provide information in a timely manner and as early as possible in the review process.

This guideline, as well as our June 2017 Final Report and the accompanying system-wide price Determinations can help inform negotiations between wholesale customers and wholesale service providers.

It may also be appropriate to consider alternative mechanisms to resolve areas of disagreement that may better facilitate agreement between parties than a scheme-specific review, such as mediation.

We would also expect the party requesting the review to provide their best available information to IPART in completing the scheme-specific review request form.

Table 5.1 provides a checklist that should be completed prior to making a request for a scheme-specific review.

Table 5.1 Pre-scheme-specific review request checklist

Activity	Completed
Both parties to negotiate (in good faith) and seek to reach agreement on price. Use this guideline, and/or our June 2017 Final Report and the accompanying system-wide price Determinations to help inform negotiations.	
Identify areas of agreement and areas of disagreement.	
Consider alternative mechanisms to resolve areas of disagreement that may better facilitate agreement between parties, such as mediation.	
Complete scheme-specific review request form using best available information. Request form available on our website: www.ipart.nsw.gov.au.	

6 How to make a request for a scheme-specific review

To make a request for a scheme-specific review, complete the pre-scheme-specific review request checklist (see Table 5.1), including a scheme-specific review request form.

The scheme-specific review request form is available on our website.

The request form consists of six sections including:

- Instructions for completing the form
- Five sections for the requesting party to complete:
- 1. Contact information
- 2. **General information** including details of the party making the request, the wholesale service(s) for which a scheme-specific review is sought, reasons for the request and evidence of attempted negotiation with the other party.
- 3. **Cost and supporting information** including details about infrastructure and operating costs, any facilitation costs, any proposed prices and relevant supporting information.
- 4. Deed of Undertaking as to Confidentiality.
- 5. Quality assurance and Chief Executive Officer's declaration.

Once completed, submit the request form (marked to the attention of the Water Pricing team) to IPART in person, via email or via post. Further information on submitting a completed request form is outlined in the request form itself.

Table 6.1 How to submit a completed scheme-specific review request form

In person	Via email	Via post
Attention: Water Pricing Independent Pricing and Regulatory	Attention: Water Pricing Independent Pricing and Regulatory	Attention: Water Pricing Independent Pricing and Regulatory
Tribunal Level 16	Tribunal	Tribunal PO Box K35
2-24 Rawson Place Sydney NSW 2000	water@ipart.nsw.gov.au	Haymarket Post Shop NSW 1230

7 Information we will require to undertake a scheme-specific review

In undertaking a scheme-specific review, IPART will likely require a number of different types of information from both the wholesale customer and wholesale service provider, as outlined in Table 7.1, irrespective of who requested the review.

Where a party withholds information or does not provide information in a timely manner, IPART may exercise its statutory power to require the information if it is needed to complete the review.

Table 7.1 Information requirements checklist

Information requirement	Required from	Provided
Details of parties involved.	Requesting party	
Description/characteristics of the wholesale service and any existing arrangements for the supply of the services concerned, and the prices currently charged for them.	Requesting party and wholesale service provider (if not requesting party)	
Reason(s) for scheme-specific review request.	Requesting party	
Outcomes of attempted negotiation between the parties and outcomes of negotiation (i.e. areas of agreement/disagreement resulting from negotiation).	Requesting party	
Infrastructure and operating requirements to provide end-users with retail services from the wholesale service provided, including relevant schematics.	Wholesale customer	
Any facilitation costs the wholesale service provider would incur in supplying the wholesale services concerned, considering both positive (costs) and negative (cost savings or avoided costs) facilitation costs.	Wholesale customer and/or wholesale service provider	
Wholesale service provider's relevant growth plans.	Wholesale service provider	
Proposed prices and the rationale and key assumptions behind them, including how the other party's input has been considered, and arrangements to transition from the existing to proposed prices (if applicable).	Wholesale customer and/or wholesale service provider	
Proposed determination duration.	Wholesale customer and/or wholesale service provider	

8 How confidential information will be managed

Where a submissionⁱ from a wholesale customer or wholesale service provider contains material subject to a claim of confidentiality, we will treat that claim in accordance with the process outlined in our submissions policy: https://www.ipart.nsw.gov.au/submissions-policy

IPART uses open public processes to undertake price reviews and invites submissions from the public as part of the price review process. Unless confidentiality is claimed, we will treat information contained in scheme-specific review request forms, and any accompanying documentation or subsequent submission as public documents. We will publish these documents on our website and distribute them to interested parties as appropriate.

Where a wholesale customer or wholesale service provider identifies confidential information, IPART will consider the claim of confidentiality and whether it is appropriate to redact or remove the information from public documents.

We may share information identified as confidential with our consultants, but will do so on a confidential basis.

The scheme-specific request form also includes a Deed of Undertaking as to Confidentiality which requires that in the event that one party is provided with confidential information provided by the other party, that the information will:

- be kept confidential
- only be used for the purpose of the scheme-specific review
- not be provided to any other party without consent.

If IPART accepts a scheme-specific review request, a similar Deed will be provided to the non-requesting party for signing.

Third parties may apply under the *Independent Pricing and Regulatory Tribunal Act 1992* and also generally under the *Government Information (Public Access) Act 2009* for access to request forms, accompanying documentation and submissions, including those that contain confidential information. If we receive such an application, we will determine whether disclosure is required in accordance with those Acts.

Where a request form includes personal information, IPART will deal with that information in accordance with the information protection principles set out in the *Privacy and Personal Information Protection Act 1998*.

Further information on submitting confidential information in response to the scheme-specific review request form is outlined in the request form itself.

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i i.e., in the form of a scheme-specific review request form, a submission to a draft report, or any other information provided to IPART during the course of a scheme-specific review.