



OUT21/16118

Ms Michelle Coco  
Executive Director, Regulation and Compliance  
Independent Pricing and Regulatory Tribunal  
PO Box K35  
HAYMARKET POST SHOP NSW 1240

Dear Ms Coco

**Re: Deferral of end-of-term operating licence review for WaterNSW**

I refer to your letter of 22 September 2021 seeking feedback on IPART's proposed deferral of the end-of-term review of the *Water NSW Operating Licence 2017-2022*.

We note your intention to recommend that the Minister issue a short term Operating Licence to Water NSW from 1 July 2022, including same or similar conditions to those which are included in the current Operating Licence.

As you are aware, the Natural Resources Access Regulator (NRAR) commenced operations in April 2018. We now have over three years of operational experience which has led to us now having a better understanding of our specific needs, our relative role in water management in NSW, and how we interact with Water NSW. Based on this experience, we respectfully request that IPART consider several minor amendments to the Operating Licence, namely:

1. removing the "Exceptions" described in A1 Licensing functions in Schedule A. NRAR is considering the current allocation of responsibility of licensing and approval functions in the water sector, and its implications for NRAR's independence. The proposed amendment to A1 Schedule A would enable greater flexibility for alternative licensing and approval function allocations across the water sector, should DPIE Water and the Minister agree to any changes in licence and approval delegations
2. adding a sub-clause to clause 6.18 in relation to the "Online portal for the lodgment of documents relating to metering equipment" to require Water NSW to make modifications to the portal as requested by NRAR to provide functionality that is fit for NRAR's compliance purposes
3. adding a sub-clause to clause 6.20 in relation to "Data sharing and services agreement with DPIE and NRAR – non-urban water metering framework", to respond to several issues raised in our letter to IPART in relation to the review of the Water NSW Operating Licence (IPART ref D21/11671). Specifically, the additional sub-clause should require the Data Sharing Agreement with NRAR to be reviewed within a specified timeframe to include:
  - a. data and access requirements which include, but are not necessarily limited to, accuracy, completeness, consistency, timeliness, validity and uniqueness
  - b. on-going quarterly performance reviews of the agreement.



## Natural Resources Access Regulator

**Natural Resources Access Regulator**

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Thank you for the opportunity to provide feedback on IPART's proposal to defer a review of the Operating Licence.

Please contact NRAR's Director Regulatory Capability and Coordination, [REDACTED], on [REDACTED] should you need further information or wish to discuss any matters raised in this letter.

Yours sincerely



[REDACTED]  
**Chief Regulatory Officer**  
**Natural Resources Access Regulator**  
4 November 2021