



Independent Pricing and Regulatory Tribunal  
New South Wales

## Water NSW

**Maximum prices for Water NSW's Greater Sydney Services  
from 1 July 2020**

Determination

June 2020

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ISBN 978-1-76049-418-6

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## Tribunal Members

The Tribunal members for this review are:

Dr Paul Paterson, Chair  
Ms Deborah Cope  
Ms Sandra Gamble

Enquiries regarding this document should be directed to a staff member:

Matthew Mansell (02) 9113 7770



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## Preliminary

### 1 Application of this determination

#### 1.1 This determination applies to government monopoly services declared under the Order

This determination fixes maximum prices, or sets methodologies for fixing maximum prices, for the services provided by Water NSW which are declared as government monopoly services under the Order, other than the services excluded by clause 1.2.

#### 1.2 Services excluded from this determination

- (a) This determination does not apply to any services supplied by Water NSW to Sydney Water Corporation in order to earn:
  - (1) any Annual Water Quality Incentive Payment paid to it under the "Raw Water Supply Agreement" executed on 14 October 2013 by Water NSW and Sydney Water Corporation; or
  - (2) an equivalent payment under any amended version or replacement of that agreement in force from time to time.
- (b) For the avoidance of doubt, and despite any other provision in this determination, this determination does not apply to any services provided by Water NSW:
  - (1) in connection with its Non-Sydney Catchment Functions; or
  - (2) that do not have a connection with the Sydney Catchment Area.

[Note: The purpose of clause 1.2(a) is to ensure that this determination does not preclude Water NSW and Sydney Water Corporation from reaching agreement on or making payment under an incentive payment scheme pursuant to the current Raw Water Supply Agreement, or any amended or replacement version of that agreement.]

### 2 Commencement and term of this determination

- (a) This determination commences on the later of:
  - (1) 1 July 2020; and
  - (2) the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (b) The maximum prices under this determination apply from the Commencement Date to 30 June 2024.
- (c) Maximum prices will continue to be calculated in accordance with this determination beyond 30 June 2024 until this determination is revoked or replaced. For the purpose of calculating maximum prices beyond 30 June 2024, the relevant figures from Tables 1-16, as necessary, are those for the Period 1 July 2023 to 30 June 2024.

### 3 Replacement of 2016 Determination

This determination replaces the 2016 Determination.

### 4 Pricing Schedules

The schedules listed in Table P.1 set out the maximum prices that Water NSW may charge for supplying the Determination Services.

**Table P.1 Pricing schedules**

Schedule	Determination Services to which the schedule applies
Schedule 1	Determination Services supplied to Large Customers
Schedule 2	Determination Services supplied to Goulburn Mulwaree Council, Shoalhaven City Council and Wingecarribee Shire Council
Schedule 3	Bulk Raw Water supplied to Small Customers
Schedule 4	Unfiltered Water supplied to Small Customers

### 5 Legislative background

- (a) Section 11(1)(a) of the IPART Act provides IPART with a standing reference for the determination of maximum prices for government monopoly services 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.
- (c) The Determination Services are government monopoly services because they fall within the scope of the Order.
- (d) This determination fixes the maximum price for some services and sets a methodology for fixing the maximum price for other services. As required by section 13A(3) of the IPART Act, where IPART has set a methodology for fixing maximum prices, its reasons for doing so are set out in Schedule 5.



## Schedule 1 Determination Services supplied to Large Customers

### 1 Application

Schedule 1 sets the methodology for fixing the maximum prices that Water NSW may charge Large Customers for the Determination Services.

### 2 Maximum price

The maximum price that Water NSW may charge a Large Customer for the Determination Services for a month is calculated as follows:

$$\left( FAC \times \frac{Customer\ Supply}{Total\ Supply} \right) + (VC \times Customer\ Supply)$$

Where:

- (a) *FAC* is the fixed availability charge for the Period in which the month occurs set out in Table 1;
- (b) *Customer Supply* is the total volume of water (ML) supplied by Water NSW to the Large Customer for the month, to the nearest whole ML;
- (c) *Total Supply* is the total volume of water (ML) supplied by Water NSW to all Large Customers for the month, to the nearest whole ML; and
- (d) *VC* is the volumetric charge for the month (\$/ML), which is either:
  - (1) if  $Q_{SDP} < FS$ , the amount calculated by applying clause 3; or
  - (2) if  $Q_{SDP} \geq FS$ , nil,

where  $Q_{SDP}$  and  $FS$  have the meanings given in clause 3.

### 3 Calculating the applicable volumetric charge

For the purposes of clause 2, the volumetric charge for a month is the amount calculated as follows:

$$\frac{20\% \times TR}{FS - Q_{SDP}} + \frac{CST}{AS}$$

Where:

- (a)  $TR$  is Water NSW's target revenue requirement from Large Customers for the Period in which the month occurs, as set out in Table 2;
  - (b)  $FS$  is Water NSW's forecast water sales (ML) to all Large Customers for the month, which is the sum of:
    - (1) the number of Drought Response Days in the month multiplied by the forecast water sales for a Drought Response Day in the relevant Period, as set out in Table 3; and
    - (2) the number of Non-Drought Response Days in the month multiplied by the forecast water sales for a Non-Drought Response Day in the relevant Period, as set out in Table 4;
  - (c)  $Q_{SDP}$  is the lesser of:
    - (1) the SDP Total Monthly Plant Capacity; or
    - (2) the volume of water to the nearest whole ML supplied by SDP pursuant to an SDP Operation Requirement to all Large Customers in the month, as notified to Water NSW collectively by all the Large Customers no later than 5 Business Days after the end of the month;
- [Note: for the avoidance of doubt, subclause (c)(2) is intended to capture only volumes of water supplied by SDP to Large Customers that SDP is required to supply under an SDP Operation Requirement. It does not capture volumes of water supplied by SDP to Large Customers on any other basis, including water that SDP is permitted, but not required, to supply under its Network Operator's Licence.]
- (d)  $AS$  is the actual water sales (ML) to all Large Customers by Water NSW in the month, to the nearest whole ML; and
  - (e)  $CST$  (cost of Shoalhaven transfer for the month) is the amount calculated in accordance with clause 4.

## 4 Calculating $CST$

For the purposes of clause 3,  $CST$  is the amount calculated as follows:

$$OPT + PT$$

Where:

- (a)  $OPT$  is the amount calculated as follows:

$$OP_p \times OP_v$$

Where:

- (1)  $OP_p$  is the off-peak electricity price in Table 5 for the Quarter and Period in which the month falls;
- (2)  $OP_v$  is the lesser of:

- (A) the actual volume of water (ML) transferred during the month from the Shoalhaven system, as measured and recorded by Water NSW; and
- (B)  $OP_{max}$ ;
- (b)  $PT$  is the amount calculated as follows:

$$P_p \times P_v$$

Where:

- (1)  $P_p$  is the peak electricity price in Table 6 for the Quarter and Period in which the month falls; and
- (2)  $P_v$  is:
- (A) if the actual volume of water (ML) transferred during the month from the Shoalhaven system, as measured and recorded by Water NSW, is equal to or less than  $OP_{max}$ , then 0; or
- (B) if the actual volume of water (ML) transferred during the month from the Shoalhaven system, as measured and recorded by Water NSW, is greater than  $OP_{max}$ , then the actual volume of water transferred during that month from the Shoalhaven system less  $OP_{max}$ ; and
- (c)  $OP_{max}$  is, in respect of the month, a volume of water that is the sum of:
- (1) the number of Business Days in that month multiplied by 2,092ML; and
- (2) the number of days that are not Business Days in that month multiplied by 2,510.4ML.

[Note: In respect of the calculation under subclause (a), if the actual volume of water transferred from the Shoalhaven system is equal to  $OP_{max}$  then that figure should be inputted as the value of  $OP_v$ . For example if the actual volume transferred was 69,036ML and  $OP_{max}$  was also 69,036ML, then the calculation in subclause (a) should be applied as  $OP_p \times 69,036ML$ .]

**Table 1 Fixed availability charge for Large Customers**

Period	(\$ per month)
1 July 2020 to 30 June 2021	13,384,337
1 July 2021 to 30 June 2022	13,384,337 × CPI <sub>1</sub>
1 July 2022 to 30 June 2023	13,384,337 × CPI <sub>2</sub>
1 July 2023 to 30 June 2024	13,384,337 × CPI <sub>3</sub>

**Table 2 Target revenue requirement from Large Customers**

Period	(\$ per month)
1 July 2020 to 30 June 2021	16,661,654
1 July 2021 to 30 June 2022	16,699,459 × CPI <sub>1</sub>
1 July 2022 to 30 June 2023	16,736,802 × CPI <sub>2</sub>

1 July 2023 to 30 June 2024 16,783,489 × CPI<sub>3</sub>

**Table 3 Forecast water sales to all Large Customers on a Drought Response Day**

Period	(ML per day)
1 July 2020 to 30 June 2021	1,293
1 July 2021 to 30 June 2022	1,308
1 July 2022 to 30 June 2023	1,322
1 July 2023 to 30 June 2024	1,337

**Table 4 Forecast water sales to all Large Customers on a Non-Drought Response Day**

Period	(ML per day)
1 July 2020 to 30 June 2021	1,547
1 July 2021 to 30 June 2022	1,565
1 July 2022 to 30 June 2023	1,582
1 July 2023 to 30 June 2024	1,600

**Table 5 Off-peak electricity price**

Quarter	Period (\$ per ML)			
	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024
1 July – 30 September	210.32	193.26 × CPI <sub>1</sub>	215.38 × CPI <sub>2</sub>	198.86 × CPI <sub>3</sub>
1 October – 31 December	180.77	165.36 × CPI <sub>1</sub>	169.06 × CPI <sub>2</sub>	158.03 × CPI <sub>3</sub>
1 January – 31 March	250.03	230.80 × CPI <sub>1</sub>	267.64 × CPI <sub>2</sub>	245.68 × CPI <sub>3</sub>
1 April – 30 June	187.21	171.47 × CPI <sub>1</sub>	183.53 × CPI <sub>2</sub>	171.64 × CPI <sub>3</sub>

**Table 6 Peak electricity price**

Quarter	Period (\$ per ML)			
	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024
1 July – 30 September	259.52	247.76 × CPI <sub>1</sub>	281.15 × CPI <sub>2</sub>	264.74 × CPI <sub>3</sub>
1 October – 31 December	222.66	209.04 × CPI <sub>1</sub>	227.87 × CPI <sub>2</sub>	210.73 × CPI <sub>3</sub>
1 January – 31 March	769.07	749.83 × CPI <sub>1</sub>	774.18 × CPI <sub>2</sub>	716.55 × CPI <sub>3</sub>
1 April – 30 June	240.15	230.05 × CPI <sub>1</sub>	251.18 × CPI <sub>2</sub>	243.00 × CPI <sub>3</sub>

## Schedule 2 Determination Services supplied to Wingecarribee Shire Council, Shoalhaven City Council and Goulburn Mulwaree Council

### 1 Application

Schedule 2 sets the maximum prices that Water NSW may charge Wingecarribee Shire Council, Shoalhaven City Council, and Goulburn Mulwaree Council for the Determination Services.

### 2 Maximum price for the Determination Services to Wingecarribee Shire Council

The maximum price that Water NSW may charge Wingecarribee Shire Council for the Determination Services for a month is the sum of:

- (a) the fixed availability charge in Table 7 for the Period in which the month occurs; and
- (b) the volumetric charge for the month, which is the sum of:
  - (1) the total volume of water (ML) supplied by Water NSW to Wingecarribee Shire Council on all Drought Response Days during the month, rounded to the nearest whole ML, multiplied by the volumetric charge in Table 10 for the Period in which the month occurs; and
  - (2) the total volume of water (ML) supplied by Water NSW to Wingecarribee Shire Council on all Non-Drought Response Days during the month, rounded to the nearest whole ML, multiplied by the volumetric charge in Table 11 for the Period in which the month occurs.

### 3 Maximum price for the Determination Services to Shoalhaven City Council

The maximum price that Water NSW may charge Shoalhaven City Council for the Determination Services for a month is the sum of:

- (a) the fixed availability charge in Table 8 for the Period in which the month occurs; and
- (b) the volumetric charge for the month, which is the sum of:
  - (1) the total volume of water (ML) supplied by Water NSW to Shoalhaven City Council on all Drought Response Days during the month, rounded to the

nearest whole ML, multiplied by the volumetric charge in Table 10 for the Period in which the month occurs; and

- (2) the total volume of water (ML) supplied by Water NSW to Shoalhaven City Council on all Non-Drought Response Days during the month, rounded to the nearest whole ML, multiplied by the volumetric charge in Table 11 for the Period in which the month occurs.

#### 4 Maximum price for the Determination Services to Goulburn Mulwaree Council

The maximum price that Water NSW may charge Goulburn Mulwaree Council for the Determination Services for a month is the sum of:

- (a) the fixed availability charge in Table 9 for the Period in which the month occurs; and
- (b) the volumetric charge for the month, which is the sum of:
  - (1) the total volume of water (ML) supplied by Water NSW to Goulburn Mulwaree Council on all Drought Response Days during the month, rounded to the nearest whole ML, multiplied by the volumetric charge in Table 10 for the Period in which the month occurs; and
  - (2) the total volume of water (ML) supplied by Water NSW to Goulburn Mulwaree Council on all Non-Drought Response Days during the month, rounded to the nearest whole ML, multiplied by the volumetric charge in Table 11 for the Period in which the month occurs.

**Table 7 Fixed availability charge for Wingecarribee Shire Council**

Period	(\$ per month)
1 July 2020 to 30 June 2021	84,435
1 July 2021 to 30 June 2022	84,435 × CPI <sub>1</sub>
1 July 2022 to 30 June 2023	84,435 × CPI <sub>2</sub>
1 July 2023 to 30 June 2024	84,435 × CPI <sub>3</sub>

**Table 8 Fixed availability charge for Shoalhaven City Council**

Period	(\$ per month)
1 July 2020 to 30 June 2021	1,583
1 July 2021 to 30 June 2022	1,583 × CPI <sub>1</sub>
1 July 2022 to 30 June 2023	1,583 × CPI <sub>2</sub>
1 July 2023 to 30 June 2024	1,583 × CPI <sub>3</sub>

**Table 9 Fixed availability charge for Goulburn Mulwaree Council**

Period	(\$ per month)
1 July 2020 to 30 June 2021	1,900
1 July 2021 to 30 June 2022	1,900 × CPI <sub>1</sub>
1 July 2022 to 30 June 2023	1,900 × CPI <sub>2</sub>
1 July 2023 to 30 June 2024	1,900 × CPI <sub>3</sub>

**Table 10 Volumetric charge for Wingecarribee Shire Council, Shoalhaven City Council, and Goulburn Mulwaree Council on Drought Response Days**

Period	(\$ per ML)
1 July 2020 to 30 June 2021	63.17
1 July 2021 to 30 June 2022	63.17 × CPI <sub>1</sub>
1 July 2022 to 30 June 2023	63.17 × CPI <sub>2</sub>
1 July 2023 to 30 June 2024	63.17 × CPI <sub>3</sub>

**Table 11 Volumetric charge for Wingecarribee Shire Council, Shoalhaven City Council, and Goulburn Mulwaree Council on Non-Drought Response Days**

Period	(\$ per ML)
1 July 2020 to 30 June 2021	52.78
1 July 2021 to 30 June 2022	52.78 × CPI <sub>1</sub>
1 July 2022 to 30 June 2023	52.78 × CPI <sub>2</sub>
1 July 2023 to 30 June 2024	52.78 × CPI <sub>3</sub>

## Schedule 3 Bulk Raw Water supplied to Small Customers

### 1 Application

Schedule 3 sets the maximum prices that Water NSW may charge Small Customers for the supply of Bulk Raw Water.

### 2 Maximum price for Bulk Raw Water

The maximum price that Water NSW may charge a Small Customer for supplying Bulk Raw Water is the volumetric charge calculated as the sum of:

- (a) the volumetric charge in Table 12 for Drought Response Days multiplied by the volume of Bulk Raw Water (kL) supplied by Water NSW to the Small Customer on Drought Response Days, rounded to the nearest whole kL; and
- (b) the volumetric charge in Table 13 for Non-Drought Response Days multiplied by the volume of Bulk Raw Water (kL) supplied by Water NSW to the Small Customer on Non-Drought Response Days, rounded to the nearest whole kL.

[Note: There is no fixed component of the maximum price that Water NSW may charge a Small Customer for supplying Bulk Raw Water.]

**Table 12 Volumetric charge for Bulk Raw Water for Small Customers on Drought Response Days**

Period	(\$ per kL)
1 July 2020 to 30 June 2021	0.80
1 July 2021 to 30 June 2022	$0.80 \times \text{CPI}_1$
1 July 2022 to 30 June 2023	$0.80 \times \text{CPI}_2$
1 July 2023 to 30 June 2024	$0.80 \times \text{CPI}_3$

**Table 13 Volumetric charge for Bulk Raw Water for Small Customers on Non-Drought Response Days**

Period	(\$ per kL)
1 July 2020 to 30 June 2021	0.67
1 July 2021 to 30 June 2022	$0.67 \times \text{CPI}_1$
1 July 2022 to 30 June 2023	$0.67 \times \text{CPI}_2$
1 July 2023 to 30 June 2024	$0.67 \times \text{CPI}_3$



## Schedule 4 Unfiltered Water supplied to Small Customers

### 1 Application

Schedule 4 sets the maximum prices that Water NSW may charge Small Customers for the supply of Unfiltered Water.

### 2 Maximum price for Unfiltered Water

The maximum price that Water NSW may charge a Small Customer for supplying Unfiltered Water is the sum of:

- (a) the fixed availability charge in Table 14 for the applicable meter size and Period; and
- (b) the volumetric charge for the applicable Period, which is the sum of:
  - (1) the volumetric charge in Table 15 for Drought Response Days multiplied by the volume of Unfiltered Water (kL) supplied by Water NSW to the Small Customer on Drought Response Days, rounded to the nearest whole kL; and
  - (2) the volumetric charge in Table 16 for Non-Drought Response Days multiplied by the volume of Unfiltered Water (kL) supplied by Water NSW to the Small Customer on Non-Drought Response Days, rounded to the nearest whole kL.

**Table 14 Fixed availability charge for Unfiltered Water for Small Customers**

Meter size	Period	Period			
		1 July 2020 to 30 June 2021 (\$)	1 July 2021 to 30 June 2022 (\$)	1 July 2022 to 30 June 2023 (\$)	1 July 2023 to 30 June 2024 (\$)
20mm		101.92	101.92 × CPI <sub>1</sub>	101.92 × CPI <sub>2</sub>	101.92 × CPI <sub>3</sub>
25mm		159.25	159.25 × CPI <sub>1</sub>	159.25 × CPI <sub>2</sub>	159.25 × CPI <sub>3</sub>
30mm		229.32	229.32 × CPI <sub>1</sub>	229.32 × CPI <sub>2</sub>	229.32 × CPI <sub>3</sub>
32mm		260.92	260.92 × CPI <sub>1</sub>	260.92 × CPI <sub>2</sub>	260.92 × CPI <sub>3</sub>
40mm		407.68	407.68 × CPI <sub>1</sub>	407.68 × CPI <sub>2</sub>	407.68 × CPI <sub>3</sub>
50mm		637.00	637.00 × CPI <sub>1</sub>	637.00 × CPI <sub>2</sub>	637.00 × CPI <sub>3</sub>
80mm		1,630.72	1,630.72 × CPI <sub>1</sub>	1,630.72 × CPI <sub>2</sub>	1,630.72 × CPI <sub>3</sub>
100mm		2,548.00	2,548.00 × CPI <sub>1</sub>	2,548.00 × CPI <sub>2</sub>	2,548.00 × CPI <sub>3</sub>
150mm		5,733.00	5,733.00 × CPI <sub>1</sub>	5,733.00 × CPI <sub>2</sub>	5,733.00 × CPI <sub>3</sub>
200mm		10,192.00	10,192.00 × CPI <sub>1</sub>	10,192.00 × CPI <sub>2</sub>	10,192.00 × CPI <sub>3</sub>

>200mm	$(\text{Meter size})^2 \times$ (20mm fixed availability charge) $\div$ 400	$(\text{Meter size})^2 \times$ (20mm fixed availability charge) $\div$ 400	$(\text{Meter size})^2 \times$ (20mm fixed availability charge) $\div$ 400	$(\text{Meter size})^2 \times$ (20mm fixed availability charge) $\div$ 400
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**Table 15 Volumetric charge for Unfiltered Water for Small Customers on Drought Response Days**

Period	(\$ per kL)
1 July 2020 to 30 June 2021	1.39
1 July 2021 to 30 June 2022	$1.39 \times \text{CPI}_1$
1 July 2022 to 30 June 2023	$1.39 \times \text{CPI}_2$
1 July 2023 to 30 June 2024	$1.39 \times \text{CPI}_3$

**Table 16 Volumetric charge for Unfiltered Water for Small Customers on Non-Drought Response Days**

Period	(\$ per kL)
1 July 2020 to 30 June 2021	1.16
1 July 2021 to 30 June 2022	$1.16 \times \text{CPI}_1$
1 July 2022 to 30 June 2023	$1.16 \times \text{CPI}_2$
1 July 2023 to 30 June 2024	$1.16 \times \text{CPI}_3$

## Schedule 5 Statement of the reasons why IPART has chosen to set a methodology for fixing a maximum price

### 1 Legislative framework

- (a) Under section 13A of the IPART Act, IPART may not choose to make a determination that involves setting the methodology for fixing a maximum price, unless IPART is of the opinion that it is impractical to make a determination directly fixing the maximum price.
- (b) If IPART makes a determination that involves setting the methodology for fixing a maximum price, then it must include a statement of reasons as to why it chose to set a methodology.

### 2 Statement of reasons

IPART has set a methodology for fixing the maximum prices that Water NSW may charge Large Customers for the Determination Services.

The methodology addresses the risk that Water NSW will under-recover revenue if its sales to Large Customers differ significantly from IPART's sales forecasts. There is risk this may occur due, in part, to Large Customers' arrangements to purchase water from SDP. The more water supplied to Large Customers from the SDP Plant, the greater the reduction in Water NSW's sales to Large Customers. Given this uncertainty over IPART's sales forecasts, it is impractical to make a determination directly fixing the maximum price. Instead, IPART has set a methodology to address the revenue risk to Water NSW and the uncertainty regarding the operation of the SDP Plant.

The methodology is also designed to pass through to Large Customers Water NSW's electricity costs of pumping water from its storages on the Shoalhaven River to other water storages. The amount of water that Water NSW needs to pump from its storages on the Shoalhaven River varies greatly from time to time, largely depending on rainfall. Depending on the extent of the shortage and the urgency of the situation, Water NSW may have to pump water when peak electricity prices apply. Given this uncertainty, it is impractical to make a determination directly fixing the maximum price. Instead, IPART has set a methodology for fixing the maximum price that should result in prices which are closer to the actual efficient costs of Water NSW.

The methodology also provides for higher volumetric charges on Drought Days and lower volumetric charges on Non-Drought Days. This is necessary because Water NSW's forecast sales are lower on Drought Days. It would have been impractical to reflect these differences in forecast sales if IPART directly fixed maximum prices.

## Schedule 6 Definitions and interpretation

### 1 Definitions

#### 1.1 General definitions

In this determination:

**2016 Determination** means IPART's determination No. 3 of 2016 titled 'Water NSW – Maximum prices for water supply services from 1 July 2016 in relation to Sydney Catchment Functions' published in New South Wales, *Government Gazette*, No. 53 of 24 June 2016, p 1787.

**Available Storage** means the total available storage in Greater Sydney's water supply reservoirs as published through a Daily Verified Storage Figure.

**Billing Period** means the period of time covered by a bill Water NSW sends to a customer.

**Bulk Raw Water** means water that has not been treated in any way.

**Business Day** means a weekday that is not a public holiday in Sydney, New South Wales.

**Cease Day** means a day that is exactly 31 days after a day on which the following two criteria are satisfied:

- (a) it occurs after the First Drought Level Day; and
- (b) a Daily Verified Storage Figure is published showing Available Storage is equal to or greater than 70% for the first time since Available Storage last fell below 60%.

**Commencement Date** has the meaning given to that term in clause 2(a) of the Preliminary section of this determination.

**Daily Verified Storage Figure** means:

- (a) a verified figure showing the level of total available storage in Greater Sydney's water supply reservoirs and published daily on the Water NSW website; or
- (b) if for any reason the verified figure described in paragraph (a) is not published, a figure showing the level of total available storage in Greater Sydney's water supply reservoirs notified or published by Water NSW or another authority nominated by the Minister responsible for Part 2 of the WIC Act.

**Determination Services** means the government monopoly services for which this determination fixes maximum prices, or sets methodologies for fixing maximum prices, as set out in clause 1 of the Preliminary section of this determination.

**Drought Response Day** means a day that falls within a period which commences on and includes a Trigger Day and ends on and includes the day before the next Cease Day.

**First Drought Level Day** means the first day on or after the Commencement Date on which a Daily Verified Storage Figure is published showing Available Storage is below 60%.

**Goulburn Mulwaree Council** means any council constituted from time to time under the *Local Government Act 1993* (NSW) in respect of an area which covers all, or a substantial part, of the area of the Goulburn Mulwaree Council as constituted at the Commencement Date.

**GST** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

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

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

**kL** means kilolitre or one thousand litres.

**Large Customer** means:

- (a) Sydney Water Corporation; or
- (b) any one of the following persons to whom Water NSW provides Determination Services:
  - (1) the holder of a WIC Act Licence;
  - (2) a water supply authority within the meaning of the *Water Management Act 2000* (NSW);
  - (3) a council or county council constituted under the *Local Government Act 1993* (NSW) that exercises water or sewerage functions;
  - (4) a person who, pursuant to:
    - (A) a coverage declaration which has been determined under section 26 of the WIC Act and is in force;
    - (B) an access undertaking which has been approved by IPART under section 38 of the WIC Act and is in force;
    - (C) an access agreement (as referred to in section 39 of the WIC Act); or
    - (D) an access determination (as referred to in section 40 of the WIC Act),

has access to some of Sydney Water Corporation's infrastructure services (as defined in the WIC Act), to the extent that the relevant infrastructure services relate to the Determination Services; or

- (5) a person not referred to in paragraphs (1) – (4) above who:
- (A) is able to purchase water from Sydney Water Corporation but instead purchases it directly from Water NSW (regardless of whether Water NSW supplies the water to the person by means of Sydney Water Corporation's systems); and
  - (B) in purchasing that water directly from Water NSW, reduces the amount of such water that Sydney Water Corporation would otherwise need to obtain from Water NSW to supply the person,
- but excludes Wingecarribee Shire Council, Shoalhaven City Council and Goulburn Mulwaree Council.

**ML** means megalitre or one million litres.

**Network Operator's Licence** has the meaning given in the WIC Act.

**Non-Drought Response Day** means a day that falls within a period which commences on and includes the Commencement Date or a Cease Day, as the case may be, and ends on and includes the day before the next Trigger Day.

**Non-Sydney Catchment Functions** has the same meaning as under clause 12(4) of schedule 2 to the *Water NSW Act 2014* (NSW).

**Order** means the *Independent Pricing and Regulatory Tribunal (Water Supply Services) Order 2000* published in New South Wales, *Government Gazette*, No. 22 of 11 February 2000, p 816.

**Period** means (as the case may be):

- (a) 1 July 2020 to 30 June 2021;
- (b) 1 July 2021 to 30 June 2022;
- (c) 1 July 2022 to 30 June 2023; or
- (d) 1 July 2023 to 30 June 2024.

**Quarter** means each three month period beginning on 1 January, 1 April, 1 July and 1 October of each year.

**SDP** means the Sydney Desalination Plant Pty Ltd (ACN 125 935 177).

**SDP Operation Requirement** means any provision of SDP's Network Operator's Licence (Licence no. 10\_010), or of any instrument that replaces or amends that licence from time to time, that requires SDP to operate the SDP plant.

**SDP Plant** means SDP's plant in the suburb of Kurnell.

**SDP Total Monthly Plant Capacity** means the greater of either:

- (a) 7,980ML; or
- (b) if the SDP plant is expanded, the monthly nameplate capacity of the expanded plant in ML.

**Shoalhaven City Council** means any council constituted from time to time under the *Local Government Act 1993* (NSW) in respect of an area which covers all, or a substantial part, of the area of the Shoalhaven City Council as constituted at the Commencement Date.

**Small Customer** means a person to whom Water NSW supplies Bulk Raw Water and/or Unfiltered Water in connection with Water NSW's operations in the Sydney Catchment Area, other than:

- (a) a Large Customer;
- (b) Goulburn Mulwaree Council;
- (c) Shoalhaven City Council; or
- (d) Wingecarribee Shire Council.

**Subsequent Drought Level Day** means a day:

- (a) which occurs after the First Drought Level Day; and
- (b) on which a Daily Verified Storage Figure is published showing Available Storage is below 60% for the first time since Available Storage was last equal to or greater than 70%.

**Sydney Catchment Area** has the same meaning as under section 3 of the *Water NSW Act 2014* (NSW).

**Sydney Water Corporation** means the Sydney Water Corporation constituted as a corporation under the *Sydney Water Act 1994* (NSW).

**Trigger Day** means:

- (a) the day that is exactly 31 days after the First Drought Level Day; or
- (b) a day that is exactly 31 days after a Subsequent Drought Level Day.

**Unfiltered Water** means water that has been treated for quality, whether or not by chemical treatment, but not treated at a water filtration plant.

**Water NSW** means the corporation constituted under the *Water NSW Act 2014* (NSW).

**WIC Act** means the *Water Industry Competition Act 2006* (NSW).

**WIC Act Licence** means:

- (a) a licence under the WIC Act; and
- (b) any similar instrument granted under the WIC Act.

**Wingecarribee Shire Council** means any council constituted from time to time under the *Local Government Act 1993* (NSW) in respect of an area which covers all, or a substantial part, of the area of the Wingecarribee Shire Council as constituted at the Commencement Date.

## 1.2 Consumer Price Index

- (a) In this determination, CPI means the consumer price index 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:

$$CPI_1 = \frac{CPI_{March2021}}{CPI_{March2020}}$$

$$CPI_2 = \frac{CPI_{March2022}}{CPI_{March2020}}$$

$$CPI_3 = \frac{CPI_{March2023}}{CPI_{March2020}}$$

Where:

$CPI_{March2020}$  means CPI for the March quarter of 2020;

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

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

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

## 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) 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;
- (d) words or expressions importing the singular include the plural and vice versa;
- (e) 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;
- (f) where a word or expression is defined, other grammatical forms of that word or expression have a corresponding meaning;
- (g) a reference to a month is to a calendar month;
- (h) a reference to a financial year is a reference to a period of 12 months beginning on 1 July and ending on the following 30 June;
- (i) 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;
- (j) 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
- (k) 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 and clarification notice

- (a) Explanatory notes and examples 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 Maximum prices exclusive of GST

- (a) Maximum prices specified in this determination do not include GST.
- (b) For the avoidance of doubt, where GST is lawfully applied to maximum prices under this determination, the resulting GST inclusive price is consistent with this determination.

## 2.4 Rounding rule

- (a) Any maximum price calculated in accordance with this determination is to be rounded to the nearest whole cent.

- (b) For the purposes of rounding a maximum price under clause 2.4(a), any amount that is a multiple of 0.5 cents (but not a multiple of 1 cent), is to be rounded up to the nearest whole cent.
- (c) The CPI multipliers calculated under clause 1.2 are to be rounded to three decimal places before adjusting a maximum price for inflation.
- (d) For the purposes of rounding the CPI multipliers under clause 2.4(c), any amount that is a multiple of 0.0005 (but not a multiple of 0.001) is to be rounded up to three decimal places.

## 2.5 Apportionment of water supplied within a Billing Period

Where Water NSW supplies water to a customer, and data showing the volume of water supplied to that customer is not available on a daily basis, for the purposes of this determination, the volume of water supplied to that customer on each day in a Billing Period is deemed to be equal to the total volume of water supplied to that customer during that Billing Period, divided by the number of days in the Billing Period.

**[Example: A Billing Period has 30 days. During the Billing Period, Water NSW supplies 300kL of water to a customer and data showing the volume of water supplied to that customer is not available on a daily basis. Under clause 2.5, Water NSW is deemed to have supplied the customer with 10kL of water on each day of the Billing Period.]**