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WORK HEALTH AND SAFETY REGULATION 2011

Exemption No. 006/19

I, Meagan McCool, Director, Hazardous Chemical Facilities and Safety Management Audits, SafeWork NSW, pursuant to clause 684 of the *Work Health and Safety Regulation 2017* hereby grant the following exemption.

Dated this 27th day of June 2019.

Meagan McCool
Director
Hazardous Chemical Facilities and Safety Management Audits
SafeWork NSW

1. Name of Exemption

This Exemption is the *Work Health and Safety Regulation 2017, Exemption No.006/19*.

2. Commencement

This Exemption commences on 1 July 2019 and has effect until 30 June 2021, unless otherwise varied or cancelled.

3. Definitions

In this Exemption;

Act means the *Work Health and Safety Act 2011*.

Regulation means the *Work Health and Safety Regulation 2017*.

Words used in this Exemption have the same meaning as the Act and Regulation.

4. Exemption

This Exemption is a class exemption made by SafeWork NSW on its own initiative.

This Exemption applies to a person conducting a business or undertaking at a workplace (PCBU).

The PCBU at a workplace is exempted from the following requirements in the Regulation:

- A. any requirement to take action in relation to 'lead risk work' under clauses 395, 402, 403, 404, 405, except as provided for at Condition i below.

- B. the requirement to arrange for biological monitoring of a worker under clause 407(1) and 407(2), except as provided for at Condition ii below.
- C. the requirement to remove a worker from lead risk work under clause 415(1)(a), except as provided for at Condition iii below.
- D. the requirement to ensure that a worker does not return to carrying out lead risk work under clause 417(3)(a), except as provided for by Condition iv below.

SCHEDULE 1

This Exemption is subject to the following conditions:

- i. the PCBU at a workplace is required to comply with any requirement to take action in relation to 'lead risk work' (including under clauses 395, 402, 403, 404, 405), as if 'lead risk work' means work carried out in a lead process that is likely to cause the blood lead level of a worker carrying out the work to exceed:
 - for a female of reproductive capacity—10µg/dL (0.48µmol/L), or
 - in any other case—30µg/dL (1.45µmol/L).
- ii. the PCBU at a workplace must arrange for biological monitoring of each worker who carries out lead risk work for the person to be carried out at the following times:
 - (a) for females not of reproductive capacity and males:
 - (i) if the last monitoring shows a blood lead level of less than 30µg/dL (1.45µmol/L)—6 months after the last biological monitoring of the worker, or
 - (ii) if the last monitoring shows a blood lead level of 30µg/dL (1.45µmol/L) or more but less than 40µg/dL (1.93µmol/L)—3 months after the last biological monitoring of the worker, or
 - (iii) if the last monitoring shows a blood lead level of 40µg/dL (1.93µmol/L) or more—6 weeks after the last biological monitoring of the worker,
 - (b) for females of reproductive capacity:
 - (i) if the last monitoring shows a blood lead level of less than 10µg/dL (0.48µmol/L)—3 months after the last biological monitoring of the worker, or
 - (ii) if the last monitoring shows a blood lead level of 10µg/dL (0.48µmol/L) or more—6 weeks after the last biological monitoring of the worker.
- iii. the PCBU at a workplace for which a worker is carrying out work must immediately remove the worker from carrying out lead risk work if following health monitoring:
 - (a) biological monitoring of the worker shows that the worker's blood lead level is, or is more than:
 - (i) for females not of reproductive capacity and males—50µg/dL (2.42µmol/L), or
 - (ii) for females of reproductive capacity—20µg/dL (0.97µmol/L), or
 - (iii) for females who are pregnant or breastfeeding—15µg/dL (0.72µmol/L).
- iv. the PCBU at a workplace must ensure that the worker does not return to carrying out lead risk work until

- (a) the worker's blood lead level is less than:
- (i) for females not of reproductive capacity and males—40 μ g/dL (1.93 μ mol/L), or
 - (ii) for females of reproductive capacity—10 μ g/dL (0.48 μ mol/L).

(n2019-1886)

Emergency Services Levy Insurance Monitor Act 2016

Issue of revised Guidelines relating to over-collection of ESL in the Transition Period under section 21.

I, Professor Allan Fels AO, the person appointed as the Emergency Services Levy Insurance Monitor under section 5 of the *Emergency Services Levy Insurance Monitor Act 2016* (“the Act”) publish the revised Guidelines on over-collection of ESL in the Transition Period, in compliance with section 21 (3) of the Act:

These Guidelines take effect immediately.

Professor Allan Fels AO

Emergency Services Levy Monitor

Dated: 26 June 2019



Emergency Services Levy Insurance Monitor Act 2016

Guidelines on over- collection of ESL in the Transition Period

Revised: June 2019



Published by

Emergency Services Levy Insurance Monitor

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A. Introduction

A1. Emergency Services Contribution

1. Insurance companies, issuing or renewing insurance against loss or damage to property situated in New South Wales of the classes of policy described in Schedule 1 to the *Emergency Services Levy Act 2017*, are required to contribute to the funding of fire and emergency services provided by Fire and Rescue NSW, NSW Rural Fire Service and State Emergency Services. (the “emergency services organisations”).
2. For the financial years prior to 30 June 2017 (the “former scheme”), insurance companies were obliged to contribute to the funding of the emergency services organisations, as set out in Part 5 of the *Fire Brigades Act 1989*, Part 5 of the *Rural Fires Act 1997* and Part 5A of the *State Emergency Services Act 1989*, respectively (the “fire Acts”).
3. However, since 1 July 2017, insurance companies contribute to the funding of the emergency services organisations under the emergency services insurance contribution scheme (the “new scheme”) established under the *Emergency Services Levy Act 2017* (“the *ESL Act*”). The new scheme will be in place until a property levy, established under the *Fire and Emergency Services Levy Act 2017* (the “*FESL Act*”) is introduced as the replacement funding model for NSW’s fire and emergency services.
4. The period from 1 July 2017 to 30 June 2019, is known as the “transition period”.
5. The amount an insurance company is required to contribute to the new scheme in any financial year is based on the premiums it receives during that year from the classes of policy (known as “relevant insurance”¹) described in Schedule 1 to the *ESL Act* (“Schedule 1”).
6. Only a proportion of the premiums received by an insurance company for each class of relevant insurance in Schedule 1 are subject to contribution under the new scheme. Schedule 1 describes the classes of relevant insurance and specifies the proportion of the premiums received for each class of insurance policy that is subject to contribution to the new scheme. Schedule 1 is reproduced below.

Schedule 1: Insurance and premiums subject to contribution

Classes of relevant insurance	Contribution proportion
Item 1: Any insurance of property including consequential loss but not including any insurance of a class specified elsewhere in this Schedule	80%
Item 2: Houseowners and householders, however designated (buildings or contents or both)	50%
Item 3: Personal combined on personal jewellery and clothing, personal effects and works of art	10%
Item 4: Motor vehicle and motor cycle	2.5%
Item 5: Marine and baggage – any insurance confined to maritime perils or confined to risks involving transportation on land or in the air, including storage incidental to transportation by sea, land or air, but not including static risks* (which are to be declared under Item 1)	1%
Item 6 (a): Combined fire and hail on growing crops Item 6 (b): Livestock	1%
Item 7: Aviation hull	Nil
Item 8: Any insurance solely covering: (a) Loss by theft (b) Plate glass	Nil

¹ Defined in section 9 of the *ESL Act* and Schedule 1 to that Act.

Classes of relevant insurance	Contribution proportion
(c) Machinery – confined to mechanical breakdown and/or consequential loss arising from mechanical breakdown (d) Explosion or collapse of boiler and pressure vessels – confined to damage other than by fire (e) Inherent or latent defects – confined to damage and/or consequential loss arising out of defective design, defective workmanship or defective materials but excluding any damage or consequential loss from fire	

7. While the liability upon insurance companies to contribute to the new scheme is prescribed in the ESL Act, there is no legislative prescription on how insurance companies may recover the cost of these contributions. In the absence of a legislative prescription, insurance companies have traditionally charged policyholders an Emergency Services Levy (“ESL”) on premiums. The Emergency Services Levy Insurance Monitor (“Monitor”) anticipates insurance companies will continue this practice.

Assessing contributions

8. The Chief Commissioner of State Revenue (“Chief Commissioner”) is required to assess each insurance company’s liability to the new scheme under the *ESL Act*², based on information supplied by the insurance company.
9. Insurance companies are required to lodge³ a Return with, and in the form approved⁴ by, the Chief Commissioner annually for each financial year, identifying the premiums due to or received by them for each class relevant insurance described in the Schedule, and the amount of any ‘attributed charges’ forming part of those premiums.
10. The *ESL Act* defines⁵ an ‘attributed charge’ as any amount specified by an insurer, in an invoice or other statement given to a policyholder, as to the premium payable in respect of the issue or renewal of a policy of insurance, as being the amount of the premium attributed to the contribution payable under the *ESL Act*.
11. ESL charged by insurers on relevant insurance is an attributed charge.
12. Insurance companies must include, in their annual return to the Chief Commissioner, information showing the total amount of premiums, including all attributed charges forming part of those premiums, they received from the issue or renewal of policies for each of the classes of relevant insurance described in items 1-8(a)-(e) of Schedule 1.⁶

A2. Role of the Monitor

13. The Office of the Monitor was established in June 2016 and undertakes a range of price monitoring and other functions, associated with emergency services levy reform, as set out in the Emergency Services Levy Insurance Act 2016.
14. The functions conferred on the Monitor under section 9 of the Act are to:
- “(a) provide information, advice and guidance in relation to the emergency services levy reform and prohibited conduct,
 - (b) monitor prohibited conduct and compliance with this Act and the regulations

² Part 3 of the *ESL Act*.

³ Section 32 of the *ESL Act*.

⁴ Section 34 of the *Taxation Administration Act 1996*.

⁵ Section 38 of the *ESL Act*.

⁶ Section 34(1) of the *ESL Act*.

- (c) monitor prices for the issue of regulated contracts of insurance,
 - (d) monitor the impact of the emergency services levy reform on the insurance industry and levels of insurance coverage,
 - (e) prepare and publish guidelines relating to the operation and enforcement of this Act and the regulations,
 - (f) receive complaints about prohibited conduct and to deal with them in accordance with this Act, and
 - (g) investigate and institute proceedings in respect of prohibited conduct or any contraventions of the Act or the regulations.”
15. In addition to these functions, the Act requires⁷ the Monitor, relevantly, to investigate and assess whether insurance companies are liable for over-collection amounts during the transition period. Where the Monitor determines there has been an over-collection by an insurance company, the Monitor must endeavour to ensure⁸ the over-collection amount is refunded to its policyholders unless the Monitor determines it is impracticable to refund all, or a part, of the over-collection amount to individual policyholders.
 16. Where the Monitor determines that it is impracticable to refund all, or a part, of an over-collection amount the Monitor must endeavour to ensure that the insurance company pays all, or the unrefunded balance, of the over-collection amount to the Chief Commissioner for payment into the Consolidated Fund.⁹
 17. Responsibility for establishing that it is impracticable to refund all or any part of an over-collection amount lies on the insurance companies which must demonstrate, to the Monitor’s satisfaction, why it is impracticable to refund relevant policyholders.
 18. The Monitor considers the word “impracticable” does not mean impossible, nor does it mean inconvenient. It does, in the context of the Act, require the Monitor to direct his attention to considerations of the practical effect rather than any theoretical issues which may arise out of such a course of action and requires the Monitor’s consideration of the public interest and the interests of all other parties affected.

A3. Over-collection amount

19. The Act provides an over-collection amount exists when, in the opinion of the Monitor, an insurance company has collected more ESL from its relevant insurance policyholders than it is required to contribute to the funding of emergency services organisations during the transition period.
20. The Monitor acknowledges insurance companies face uncertainties in setting ESL rates at levels which will enable them to recover precisely their contribution liabilities. In addition, previous emergency services organisations’ budgets have not been finalised generally until well into the relevant financial year, and the market share of individual insurance companies is not known precisely until after the end of the relevant financial year. The NSW budget for 2017/18 estimated insurance companies would contribute \$794 million and \$793 million, respectively in the 2-years of the transition period¹⁰. The Monitor notes the NSW Treasurer has determined that insurance companies will contribute \$897,606,884.00 to the new scheme for the financial year ending 30 June 2020.¹¹
21. The Monitor acknowledges under and over-collection by individual insurance companies may occur to varying degrees. Nevertheless, the Monitor is required to make an over-collection determination for each insurance company issuing or renewing relevant insurance at any time during the transition period.

⁷ Part 3A – Section 31B of the Act.

⁸ Section 31B of the Act.

⁹ See section 31B(1)(b)(ii) of the Act.

¹⁰ NSW Budget Statement 2017/2018. Table 5.4 General Government Section Summary of Taxation Revenue.

¹¹ Notice of Contribution target determination for 2019-2020; for section 22(4) of the ESL Act: NSW Government Gazette No 38 of 2019 at page 1237.

22. The Monitor considers the value of contributions recovered by insurance companies from policyholders, which is in excess of their statutory obligation to contribute to the funding of emergency services organisations through the new scheme is and remains policyholders' money. For this reason, the Monitor regards any retention of excess monies collected from policyholders as ESL to fund an insurer's contribution to fire and emergency services as inappropriate (and may be unlawful).
23. The Monitor notes the position identified in paragraph 22 is consistent with that reflected in the Act, which treats over-collection by an insurer as a liability, and requires the Monitor, at first instance, to endeavour to ensure any over-collection amount is refunded to relevant policyholders. Only where the Monitor accepts it is impracticable to do so will he endeavour to ensure that insurance companies pay any over-collection amount to the Chief Commissioner for payment into the Consolidated Fund.
24. Despite the provisions in the Act, which make insurance companies liable for over-collection amounts and set out procedures for dealing with these amounts, the Monitor does not consider this necessarily precludes an over-collection of ESL being regarded as price exploitation¹², contrary to the prohibition in the Act.
25. In the Guidelines on the Prohibition against Price Exploitation, ("Price Exploitation Guidelines") the Monitor acknowledged the uncertainties for insurance companies in setting ESL rates to recover their statutory liabilities. On this basis, the Monitor states expressly that over-collection in itself will not be considered as necessarily constituting unreasonably high pricing. However, where over-collection occurs, and an insurance company fails to take effective steps to refund this over-collection in accordance with arrangements approved by the Monitor, the Monitor will regard this as indicating premiums for relevant insurance have been unreasonably high and potentially in contravention of the prohibition against price exploitation.
26. Price exploitation, contrary to section 14 of the Act, is prohibited conduct under Division 1 of Part 3 of the Act.

A4. Statutory basis and effect of guidelines

27. The Act provides the Monitor may issue Guidelines¹³ about when conduct may be regarded as constituting prohibited conduct. Such Guidelines and any variations of them must be published in the Government Gazette and on the Insurance Monitor's website. Consequentially, these Guidelines, and the date on which they are to take effect, will be published in the Government Gazette and will be available on the Insurance Monitor's website www.eslinsurancemonitor.nsw.gov.au.
28. The Monitor must have regard to any Guidelines issued under section 21 of the Act, in deciding to give an insurance company a contravention notice, or a prevention notice; or to issue any person with a substantiation notice, or a public warning statement. The NSW Supreme Court may have regard to any Guidelines issued by the Monitor when determining whether to make an order relating to prohibited conduct.
29. In addition, the Monitor has the power to provide information, advice and guidance about prohibited conduct and to prepare and publish guidelines relating to the operation and enforcement of the Act.

¹² Section 14 of the Act.

¹³ Section 21 of the Act.

B. Determining an over-collection amount

B1. Investigations under the former scheme

30. The Monitor has concluded his investigation of over-collection of ESL for individual insurance companies for the 2-year period ended 30 June 2017. The results of those investigations are set out in the Monitor's report [No. 10] to the New South Wales Treasurer for the quarter ended 30 September 2018.
31. As part of these investigations, the Monitor required all insurance companies to lodge a declaration, in a specified form, in which they identified the total amount of ESL they recovered, in each of the final 2 years of the former scheme, from premiums received from policies described items 1-6 of the relevant Schedules to the fire and emergency Acts.
32. The Monitor required each insurance company's declaration be reviewed by an assurance practitioner, registered under the *Corporations Act 2001*, consistent with the requirements of the Standard on Review Engagements ASRE 2405 *Review of Historical Financial Information Other than a Financial Report* ("ASRE 2405"). Further, the Monitor required a report from the assurance practitioner, in a form specified by the Monitor ("Review Report") be lodged by each insurance company with its declaration.
33. The Monitor's investigations involved a comparison of the information about total ESL receipts, provided by each insurance company, both in its declaration and in its responses to statutory requirements imposed under the Act¹⁴, with the information and records provided by the Department of Justice, Office of Emergency Management ("DoJ") about insurance companies liability to contribute to the former scheme.
34. The Monitor's investigations into potential over-collections of ESL were hampered materially and delayed by the instances of late lodgement of declarations and Review Reports, the failure by some insurance companies and assurance practitioners to follow the forms prescribed by the Monitor, both in terms of form and information content, and errors in the information contained in some insurance companies' declarations.
35. Additionally, the Monitor's investigations were also made more difficult due to revisions made by some insurance companies to their annual Return of Premium, following the issue by DoJ of a notice of assessment in relation to the final contribution payable the insurer.

B2. The new scheme

36. For each of the financial years ending after 1 July 2017 and until the commencement of the FESL, insurance companies are obliged to contribute to the funding of the emergency service organisations under the new scheme from the premiums they receive from the issue or renewal of relevant insurance¹⁵.
37. Insurance companies are required to lodge a return, in the approved form, annually with the Chief Commissioner identifying the total premiums, including all attributed charges [ESL], received from the issue or renewal of relevant insurance¹⁶.
38. The Chief Commissioner calculates an insurance company's annual initial and final liability to contribute to the new scheme by applying the formulas set out in the *ESL Act*¹⁷ to the prescribed portion¹⁸ of relevant insurance premiums recovered by the insurance company in each financial year. The Chief Commissioner will inform the Monitor promptly of each insurance company's final liability to contribute to the new scheme,

¹⁴ See section 57 of the Act.

¹⁵ See Part 2 of the ESL Act.

¹⁶ See section 32(1) of the ESL Act.

¹⁷ See sections 13 and 17, respectively of the ESL Act.

¹⁸ See Column 2 of Schedule 1 to the ESL Act.

and other information relevant to the Monitor's investigations, for each of the financial years during the transition period.¹⁹

39. The Monitor's role in the new scheme includes the investigation²⁰ of insurance companies to determine whether they have over-collected ESL in the transition period and, where the Monitor determines there has been an over-collection, to endeavour to ensure that the over-collection amount is refunded to affected policyholders who contributed to the over-collection amount.
40. The Monitor will require information and records from insurance companies regarding the issue and/or renewal of relevant insurance during the transition period. The information and records will include the amount of total premiums, including all attributed charges [ESL], received from the issue or renewal of relevant insurance for policies of insurance described in each of items 1- 8(a)-(e) of the Schedule.

B3. ESL Disclosure and Declaration

41. The Monitor will require²¹ each insurance company, which received premiums for the issue or renewal of relevant insurance during either or both of the financial years during the transition period, to identify the total amount of ESL they collected from those premiums for each class of relevant insurance described in all items of the Schedule ("ESL Disclosure"), and to provide a declaration as to the accuracy and completeness of that information ("Declaration").
42. The ESL Disclosure must be submitted in a MS Excel worksheet in the form prescribed in Appendix B, a copy of which will be made available on the Monitor's website at www.eslinsurancemonitor.nsw.gov.au. The information reported in the ESL Disclosure must be accurate and complete, free of any adjustments for events occurring any prior years and must classify and record accurately, against each of items 1-8(a)-(e) of the Schedule, the premiums and ESL received from those classes of insurance during the transition period.
43. Insurance companies are to provide the Declaration in the form prescribed in Appendix C of these Guidelines
44. This requirement will be issued under the Monitor's powers to require information and records and will specify the way and the date by which the information is to be provided. Any person who, without a reasonable excuse, fails to comply with a requirement made of the person under the Act is liable, upon conviction to a significant pecuniary penalty and the associated court costs.²²
45. The Declaration must be completed on each insurance company's behalf by one of its directors or officers²³ who must certify that the company has taken all reasonable and necessary steps in the preparation of the information in the ESL Disclosure and that the information in the ESL Disclosure is accurate and complete.
46. The ESL Disclosure and Declaration must be independently and externally reviewed, consistently with the requirements of ASRE 2405, by an assurance practitioner registered under the *Corporations Act 2001*. The review must be presented in the form of an Auditor's Review Report, shown in Appendix D of these Guidelines, and must, based on the auditor's review, express conclusions about:
 - the total amount of ESL recovered by the company from policyholders in each of the 8 classes of relevant insurance as shown in the ESL Disclosure the transition period; and
 - statements made by the insurance company in the Declaration as to the accounting basis upon which relevant insurance premiums have been recognised and reported in the ESL Disclosure.
47. The Monitor's investigations will involve the consideration of information and records obtained from all sources available to the Monitor about the amount of ESL collected by insurance companies during the transition period.

¹⁹ See section 45 of the ESL Act.

²⁰ See section 31B(1)(a1) of the Act.

²¹ See section 57 of the Act.

²² See section 66 of the Act.

²³ See the definition of officer in section 9 of the *Corporations Act 2001*.

48. The Monitor anticipates that insurance companies will, in reporting the information in their ESL Disclosure, employ the same accounting methodology as that employed in the preparation of:
- the Return of Premium forms made to the DoJ for the last 2 financial years of the former scheme; and
 - the Returns made to the Chief Commissioner annually under the new scheme during the transition period.
49. Where the Monitor is unable, through his investigation, to determine confidently the total amount of ESL recovered by an insurance company during the transition period, the Monitor may seek additional information, records or assurance, from individual insurance companies and/or their assurance practitioners.
50. **Insurance companies will be required to lodge their Declarations, in the prescribed form, with the Monitor by 30 September 2019.** This is the same date by which insurance companies are required to lodge their returns of premiums with the Chief Commissioner for the 2019 financial year.²⁴
51. If the Monitor has insufficient information, after having taken all reasonable and necessary steps to obtain proper information, to determine whether an over-collection amount exists, or is satisfied the information that has been furnished to him is unreliable, the Monitor will estimate the total amount of ESL collected by an insurance company during the transition period.

Errors or adjustments in an insurance company's ESL Disclosure

52. The Monitor requires the information about total ESL receipts in an insurance company's ESL Disclosure be free from any adjustments or allowances for events occurring outside the transition period.
53. Where following the lodgement of its ESL Disclosure and Declaration, an insurer claims an error has been made in, or affecting, the information in its ESL Disclosure, the insurance company must:
- immediately notify the Monitor in writing about the error, providing the Monitor with a detailed explanation of the cause and effects of the error; and
 - identify whether the error occurred during the transition period or an earlier period.
54. Where the error occurred during the transition period, the Monitor will require the company to:
- prepare an amended ESL Disclosure and Declaration, after consultation with the Monitor's office regarding their necessary form and contents which contain an explanation of the cause and effects of the error;
 - have the amended ESL Disclosure and Declaration reviewed, specifically noting any amendments, by an assurance practitioner who is required to provide a further Auditor's Review Report; and
 - lodge, with the Monitor, by the date he specifies, an amended ESL Disclosure and Declaration and a further Review Report.
55. Where an insurance company claims that an event has occurred outside the transition period, which affects the information in its ESL Disclosure and Declaration, the Monitor may investigate the circumstances and require the insurer to provide:
- additional information, records or both; and /or
 - further assurance, including but not limited to the matters specified in paragraph 54;—
- to assist with his investigation. The Monitor expects the insurance company to co-operate with the Monitor promptly during such investigations.

²⁴ See section 31 of the *ESL Act*

56. The Monitor will inform the Chief Commissioner of the effect of any error, claimed by an insurance company, which affects its ESL Disclosure and Declaration of the total amount of ESL the company recovered during the transition period.

B4. Effect of adjustments to final contribution payable

57. The Monitor recognises the Chief Commissioner's final assessment notice²⁵ issued to an insurance company as the statement of the insurance company's liability to contribute to the new scheme.

58. In determining whether an over-collection amount exists in relation to an insurance company, the Monitor will consider the effect of any notice of reassessment or withdrawal of assessment issued to the company by the Chief Commissioner during the Monitor's investigation ²⁶.

B5. Procedure following determination of an over-collection amount

59. Where the Monitor determines after an investigation that an over-collection amount exists, the Monitor will issue and serve a notice of assessment ("assessment") on the affected insurance company.

60. Each assessment must, among other things:

- specify the extent of over-collection amount;
- advise the insurance company if it fails to provide a refund undertaking to the Monitor in relation to the over-collection amount, in terms acceptable to the Monitor, the amount can be referred to Chief Commissioner for debt recovery action²⁷;
- allow not less than 30 days, for the insurance company to offer a refund undertaking; and
- advise the insurance company of its right to object to any assessment of an over-collection amount in terms consistent with the requirements of the Act. ²⁸

61. The Monitor, or his delegate, will consider and deal with any objection to an assessment;

- promptly and either allow the objection, in whole or in part or disallow it;
- notify the affected insurance company, in writing, of the outcome of the objection;
- where required, issue promptly any re-assessment necessary to give effect to the outcome of any successful objection, either in whole or in part, to a notice of assessment; and
- will not refer the disputed over-collection amount to the Chief Commissioner for debt recovery action until the expiration of 7 days after service on the relevant insurance company of notice of the outcome of any objection.

B6. Contents of a refund undertaking

62. Refund undertakings²⁹ must be in writing, sufficiently detailed to identify the circumstances in which the over-collection amount occurred, specify in the identification any necessary remedial action and be free from ambiguity.

63. While the content of each undertaking is subject to negotiation between the Monitor and the insurance company determined by the Monitor to be liable for the over-collection, refund undertakings accepted by the Monitor must be of substance and directly address the circumstances of any over-collection amount, its consequences and the remedial steps to be undertaken by the insurance company affected.

²⁵ See section 18 of the ESL Act.

²⁶ See section 14 of the *Taxation Administration Act 1996*

²⁷ See Part 7 of the *Taxation Administration Act 1996*.

²⁸ See section 31F of the Act [21 days].

²⁹ See section 31H of the Act.

64. A refund undertaking will usually include the following elements:

- an acknowledgment from the insurance company there has been an over-collection of ESL in the transition period, and the insurance company is liable to refund it to relevant policyholders or, if the Monitor agrees, refund it to the Chief Commissioner.;
- the number of policies of relevant insurance issued by the insurance company in NSW in each financial year during the transition period;
- the total amount of ESL collected by the insurance company from relevant policyholders during the transition period in which the over-collection amount occurred;
- details how the insurance company will refund the over-collection amounts and to whom—including a mechanism to confirm independently and audit that outcome;
- the date the insurance company undertakes to complete the process of making refunds to relevant policyholders or otherwise divesting itself of the over-collection amount;
- the number of policyholders to receive refunds and the total amount involved.
- the over-collection amount that is determined by the Monitor to be impracticable to refund to relevant policyholders and an acknowledgement by the insurance company that this residual amount will be forwarded to the Chief Commissioner for transmission to the Consolidated Fund;
- the reporting requirements from the insurance company to the Monitor, which may include:
 - a report as to when the insurance company has satisfied any obligations agreed to in the refund undertaking;
 - the provision of supporting information and documentation by the insurance company to the Monitor verifying that it has fulfilled its undertaking obligations;
- an acknowledgment:
 - (a) the refund undertaking will be publicly available on the public register of enforceable undertakings on the Monitor's website
 - (b) the Monitor may refer to the refund undertaking, from time to time, including in news media statements and the Monitor's reports and publications
 - (c) the refund undertaking in no way derogates from the rights and remedies available to any other person, including relevant policyholders, arising from the existence of an over-collection amount.

Appendix A provides a template of a sample Refund Undertaking.

B7. Unacceptable terms

65. The Monitor will not accept a refund undertaking which proposes to include:

- a denial there was or had been an over-collection amount and that the insurance company was liable under the Act for the over-collection amount;
- any terms imposing obligations on the Monitor;
- a specific requirement the Monitor will not in future institute proceedings in the matter;
- a statement the undertaking is not an admission for the purposes of third-party actions (although they need not explicitly state that it is such an admission);
- terms imposing obligations on third parties;
- terms purporting to set up defences against subsequent legal action;

- statements by the insurance company or business that seek to minimise the consequences of the over-collection amount or for public relations or promotional purposes.

66. In most circumstances, acceptance of refund undertaking will resolve the matter; however, if further information comes to the attention of the Monitor subsequently regarding that matter, it may prompt re-activating an investigation which could result in legal proceedings.

B8. Failure to comply with the terms of a refund undertaking

67. Should any insurance company fail to adhere fully to the terms of any refund undertaking accepted by the Monitor, the Monitor will inform the insurance company in writing he considers there has been a failure to comply with the terms of the refund undertaking. In that written notification the Monitor will:

- identify the terms of the enforceable undertaking with which he considers the insurance company has not complied;
- explain the nature and extent of the alleged non-compliance; and
- nominate a reasonable period for the insurance company to remedy the alleged non-compliance.

68. If, after the expiration of the identified nominated period, an insurance company has not remedied the alleged non-compliance with the terms of a refund undertaking, the Monitor will seek to enforce the refund undertaking in the New South Wales Supreme Court. In these enforcement proceedings, the Monitor will seek:

- orders directing the insurance company to comply fully with all the terms of the undertaking;
- any other order the Court thinks appropriate; and
- costs.

C. Refunding over-collection amounts

C1. Policyholder refunds

69. The Act requires over-collection amounts to be refunded by insurance companies to relevant policyholders unless the Monitor determines it is impracticable to do so. This part of these Guidelines outlines the Monitor's preferred model or approach to refunding an over-collection amount.
70. The Monitor considers any refunds should be made to relevant policyholders in proportion to their contribution to the over-collection amount. That is to say; refunds should be directed to those relevant policyholders who most contributed to any over-collection amount.

C2. Classes of policyholders

71. The Monitor considers policyholders of the class of insurance policy described in item 1 of Part A and items 5 and 6 of Part B, respectively of the Schedule are predominantly commercial.
72. Correspondingly, the Monitor considers the insurance policies described in item 2 of Part A and items 3 & 4 of Part B, respectively of the Schedule are predominantly retail.

C3. Assessing practicability

73. The Act imposes an obligation on the Monitor to endeavour to ensure any insurance company determined to be liable for an over-collection amount refunds the amount to relevant policyholders unless the Monitor considers that it is impracticable to do so. Where the Monitor agrees it is not practicable to refund all, or a part of, an over-collection amount, the insurance company liable for the over-collection amount will be required to pay the unrefunded portion of the over-collection amount to the Chief Commissioner for payment into the Consolidated Fund.
74. In the Monitor's Price Exploitation Guidelines, he acknowledged that the determination of the practicability of making refunds to relevant policyholders will need to be made on a case by case basis. The Monitor recognises it may not be practicable to make refunds where relatively small individual amounts are involved. The Monitor also recognised there may be administrative complexities and costs associated with paying refunds where policies have been intermediated.
75. Nevertheless, the Monitor's position is that for retail customers:
- where amounts owing to individual policyholders exceed \$20, refunds must be made to those policyholders; and
 - where amounts due to individual policyholders are less than \$20, refunds should still generally be made to retail policyholders unless, subject to a case-by-case consideration, the Monitor agrees it is impracticable to provide these refunds.

C4. Referral to the Chief Commissioner

76. The Monitor may refer an over-collection amount to the Chief Commissioner for debt recovery action if the insurance company determined to be liable for an over-collection amount fails to give the Monitor a refund undertaking in terms acceptable to the Monitor by the time determined by the Monitor.

The Monitor's decision to accept a refund undertaking from an insurance company about an over-collection amount will be influenced by the actions of the insurance company to refund over-collection amounts to relevant policyholders.

Appendix A: Sample refund undertaking

Undertaking to *Emergency Services Levy Insurance Monitor*

Given under section 31H of the *Emergency Services Levy Insurance Monitor Act 2016* [“the Act”] by [Company and ACN].

1. Parties and purpose of the Undertaking

1.1. Person(s) giving the Undertaking:

This Undertaking is given to the *Emergency Services Levy Insurance Monitor* (“the Monitor”) by:

[Company name]

ACN [insert ACN]

[Address of Registered office]—

(“the Company”).

1.2 Purposes of the Undertaking

This Undertaking is offered by the company and accepted by the Monitor for the purposes of section 31H of the Act, to resolve an over-collection amount, assessed by the Monitor and accepted by the company as [#####] relating to the transition period, being the financial years commencing on 1 July in 2017 and 1 July 2018 during which insurance companies were required to contribute to a scheme for funding New South Wales’ fire and emergency services from contributions required to be paid under Part 2 of the *Emergency Services Levy Act 2017*.

2. Background

2.1. The Monitor is the person, appointed under section 5 of the Act to oversee and monitor emergency services levy reform. The functions of the Monitor under section 9(2) include to:

- “(a) provide information, advice and guidance in relation to the emergency services levy reform and prohibited conduct,
- (b) monitor prohibited conduct and compliance with this Act and the regulations,
- (c) monitor prices for the issue of regulated contracts of insurance,
- (d) monitor the impact of the emergency services levy reform on the insurance industry and levels of insurance coverage,
- (e) prepare and publish guidelines relating to the operation and enforcement of this Act and the regulations,
- (f) receive complaints about prohibited conduct and to deal with them in accordance with this Act, and
- (g) investigate and institute proceedings in respect of prohibited conduct or any contravention of this Act or the regulations.”

2.2. [Description of the nature and extent of the over-collection amount revealed by the Monitor’s investigation]

2.3. Explanation of why the Monitor considers there has been an over-collection amount for which the company is liable

2.4. Response from the company - for example: In response to the Monitor’s investigation, Company has:

- 2.4.1. [admitted] [acknowledged] there has been an over collection amount, and the insurance company is liable for the over-collection amount, and the insurance company will refund the whole or a part of the over-collection amount and,

2.4.2. offered this Undertaking to the Monitor.

3. Commencement of this Undertaking

3.1. This enforceable undertaking comes into effect when:

3.1.1. this enforceable undertaking is executed by [Insurance Company], and

3.1.2. this enforceable undertaking so executed is accepted by the Monitor (the Commencement Date).

4. Undertaking

4.1 The company undertakes, under section 31H of the Act, that it will within:

4.1.1. 28 days of the Commencement date:

- (i) provide refunds to each of its # policyholders, identified in the attached Schedule, totalling \$## paid to them proportionately to their contribution to that amount;
- (ii) pay to the Chief Commissioner, for payment into the Consolidated Fund, the balance of the over-collection amount, being \$##; and

4.1.2. 7 days of providing the refunds and making the payment identified above, provide the Monitor with written confirmation, in a form to be determined by the Monitor, that it has made those refunds and that payment.

[If the inclusion of a compliance program obligations is required, insert here in the following or similar format:

4.1.3. develop, update and implement a Compliance Management System (CMS) designed to minimise the company's risk of future contraventions of [INSERT: relevant sections or parts of the Act] and to ensure its awareness of the responsibilities and obligations in relation to the requirements of [INSERT: relevant sections or parts of the Act] within # months of the date of this Undertaking coming into effect;

4.1.4. maintain and continue to implement the CMS for a period of # years from the date of this Undertaking coming into effect, and

4.1.5. provide, at its own expense, a copy of any documents reasonably required by the Monitor for monitoring compliance with the terms of the undertaking.]

5. Acknowledgements

5.1. [Insurance Company] acknowledges:

5.1.1. the Monitor will make this enforceable undertaking publicly available including by publishing it on the Monitor's public register of enforceable undertakings on its website;

5.1.2. the Monitor will, from time to time, refer to this enforceable undertaking including in news media statements and Monitor publications;

5.1.3. this undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct, and

5.1.4. a summary of any Compliance Program review reports, conducted by the Monitor, may be held with this undertaking in the Monitor's public register.

6. Executed as an undertaking

Executed by [insert full name of Company] [insert ACN] under section 127(1) of the *Corporations Act 2001* by:

Signature of director

Signature of a director/company secretary
(delete as appropriate, or entire column if sole
director company)

Name of director (print)

Name of director/company secretary (print)

Date

Date

Accepted by the Monitor under section 35 of the Act on:

Date

Signed by the Monitor:

Prof. Allan Fels AO

Date

Appendix B: ESL Disclosure

The information reported in this ESL Disclosure is subject to the representations made by the management of the insurance company in the accompanying ESL Declaration.

[Name of Insurer] [ACN] Classes of policies of insurance	ESL recovered \$		
	2017/18	2018/19	2- year Total
Item 1: Any Insurance of property including Consequential Loss but not including any insurance of a class hereinafter specified.			
Item 2: House owners and Householders, however designated (buildings, contents or both).			
Item 3: Personal Combined on personal jewellery and clothing, personal effects and works of art.			
Item 4: Motor Vehicle and Motor Cycle.			
Item 5: Marine and Baggage – Any Insurance confined to maritime perils or confined to risks involved in transportation on land, or in the air, and including storage incidental to transportation by sea, land or air, but not including *Static Risks (which are to be declared under Item 1) N.B. *Static Risks include all movements of goods and/or stock and/or material associated with processing or storage operations at any situation.			
Item 6 (a): Combined Fire and Hail on growing crops.			
Item 6 (b): Live Stock.			
Item 7: Aviation hull			
Item 8: Any insurance <u>solely</u> covering: <ul style="list-style-type: none"> (a) Loss by theft (b) Plate glass (c) Machinery – confined to mechanical breakdown and/or consequential loss arising from mechanical breakdown (d) Explosion or collapse of boiler and pressure vessels – confined to damage other than by fire (e) Inherent or latent defects – confined to damage and/or consequential loss arising out of defective design, defective workmanship or defective materials but excluding any damage or consequential loss from fire. 			
Total	\$	\$	\$

[Note this form will be made available in MS Excel format and is to be submitted to the Monitor as an Excel file]

Appendix C: ESL Declaration

[< Company Logo >
Declaration

I [Full Name] a director [or officer] of, and a person authorised to make this declaration on behalf of [name of Insurance company & ACN] (“the company”), confirm that after making all reasonable and necessary inquiries, the information in this Declaration is accurate and complete and it was prepared and presented in accordance with the requirements of the Emergency Services Levy Insurance Monitor (“Monitor”) specified in Part B3 of the Guidelines on over-collection of ESL.

I DECLARE that:

- (i) the company recovered \$[amount] in ESL, as specified in the accompanying ESL Disclosure, through premiums paid for the issue or renewal of relevant insurance during the financial years ended on 30 June 2018 and 2019, respectively, to meet its liability to contribute to the funding of New South Wales’ emergency services organisations as required under Part 2 of the *Emergency Services Levy Act 2017*; and
- (ii) the information in the ESL Declaration is free from the financial impacts of any adjustments for events occurring outside the transition period.

I confirm that the accounting methodology employed by the company to generate the information set out in the ESL Disclosure was the same as that employed to generate the information in the company’s return to the Chief Commissioner of State Revenue, required under section 32 of the *Emergency Services Levy Act 2017*, for the years ending 30 June 2018 and 2109, respectively.

The company has engaged an assurance practitioner to review the ESL Disclosure and this Declaration in accordance with the Standard on Review Engagements ASRE 2405 *Review of Historical Financial Information Other than a Financial Report*.

I enclose:

- (i) the company’s ESL Disclosure.
- (ii) a review engagement report on this Declaration, prepared by an assurance practitioner, in the form prescribed by the Monitor.

for

Name and Position (Director /Officer)

Name of Company & ACN

Date

Appendix D: Auditor's Review Report

[<Auditors Logo >

Auditor's / Assurance practitioner's³⁰ Review Engagement Report

To: The Directors of [Company Name & ACN].

The Emergency Services Levy Insurance Monitor ("the Monitor")

Conclusion

We have reviewed the accompanying ESL Disclosure and Emergency Services Levy Declaration ("Declaration") prepared on behalf of [Company Name & ACN] (the "company") for the financial years ended 30 June 2018 and 2019, respectively.

We acknowledge that the information in the ESL Disclosure and Declaration is required by the Monitor pursuant to Part B3 of the Monitor's Guidelines on over-collection of ESL (June 2019) and paragraph 68 and Guideline 8 of the Monitor's Guidelines on the prohibition against price exploitation (July 2017), both issued under the *Emergency Services Levy Insurance Monitor Act 2016* ("the Act").

Based on our review, which is not an audit, nothing has come to our attention that causes us to believe that the ESL Disclosure:

- does not present fairly, in all material respects, the total amount of emergency services levy ("ESL") recovered by the company, from policyholders of relevant insurance during the years ended 30 June 2018 and 2019, and
- has not been prepared in accordance with the accounting basis described in the company's ESL Declaration.

Basis of preparation and restriction on use and distribution

We draw attention to the calculation basis used in the recognition of the total amount of ESL recovered by the company from policyholders of relevant insurance as required by the Monitor's Guidelines and the accounting basis applied as described in the ESL Disclosure prepared by the company.

As a result, the ESL Disclosure and this Auditor's Report may not be suitable for another purpose. Our Report is intended solely for the directors of the company and the Monitor. It should not be used or distributed to any other party or parties. We disclaim any assumption of responsibility for any reliance on this report or for any purpose other than for which it was prepared. Our opinion is not modified in respect of this matter.

Management's responsibility for the ESL Declaration

The company is responsible for:

- (a) the preparation and fair presentation of the information in the ESL Disclosure and Declaration in accordance with:
 - paragraph 68 and Guideline 8 of the Monitor's Guidelines on the prohibition against price exploitation; and

³⁰ Please delete as applicable. Assurance Practitioner should be used when this report is completed by someone other than the company's auditor.

- Part B3 of the Monitor's Guidelines on over-collection of ESL— both issued under the *Emergency Services Levy Insurance Monitor Act 2016* ("Monitor's Guidelines") and has determined that the ESL Disclosure and Declaration meets those requirements;
- (b) determining that the accounting basis used in the recognition of the total amount of ESL recovered as described in the Declaration is identified as required in the Monitor's Guidelines; and
- (c) establishing and maintaining internal controls over processes which generate data as is necessary to enable the preparation of the ESL Disclosure which is free from material misstatements, whether due to fraud or error and consistent with the requirements of the Monitor's Guidelines.

Auditor's responsibility for the review of the ESL Disclosure and Declaration

Our responsibility is to express a conclusion on the ESL Disclosure and Declaration based on our review in order to state whether, on the basis of the procedures described below, anything has come to our attention that causes us to believe that the ESL Disclosure does not present fairly, in all material respects, the total amount of ESL recovered by the company from policyholders in each of the 8 classes of relevant insurance, in accordance with the Monitor's Guidelines and that the ESL Disclosure has not been prepared on the basis of the accounting methodology described in the Declaration.

We conducted our review in accordance with the Standard on Review Engagements ASRE 2405 *Review of Historical Financial Information Other than a Financial Report* and other auditing standards applicable to a review engagement. A review of the ESL Disclosure and Declaration consists of making enquiries, primarily of persons responsible for the insurer's financial and accounting matters and applying analytical and other review procedures. A review is substantially less in scope than an audit conducted in accordance with *Australian Auditing Standards* and consequently does not enable us to obtain assurance that we would become aware of all significant matters that might be identified in an audit. Accordingly, we do not express an audit opinion.

ASRE 2405 requires us to comply with the independence and other relevant ethical requirements of the *Code of Ethics for Professional Accountants* issued by the Auditing Professional and Ethical Standards Board.

Name of audit firm/assurance practitioner

Partner / principal name

Date

Partner / principal signature

Registered company auditor and number

(n2019-1887)

Work Health and Safety (Mines and Petroleum Sites) Regulation 2014

Notice pursuant to Practising Certificate Condition 2019

(Maintenance of competency)

I, Anthony Keon, acting Deputy Secretary, Resources Regulator, with the delegated authority of the Secretary, Department of Planning and Environment, in pursuance of clause 143 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014, do, by this notice, notify that:

- (a) the *Notice pursuant to Practising Certificate Condition (Maintenance of Competency)* published in the NSW Government Gazette No 110 of 29 September 2017 is revoked;
- (b) the requirements for the maintenance of competency for all practising certificates issued under the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* which contain a maintenance of competency condition that requires compliance with requirements published by the regulator in the NSW Government Gazette, are as specified in Schedule 1;
- (c) the requirements for the maintenance of competency for specified classes of practising certificates issued under the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* which contain a maintenance of competency condition that requires compliance with requirements published by the regulator in the NSW Government Gazette, are as specified in Schedule 2 by reference to the class of certificate.

This notice commences on the date of publication in the NSW Government Gazette and has effect until revoked.

Dated this 25th day of June 2019.

Anthony Keon
Acting Deputy Secretary, Resources Regulator
NSW Department of Planning and Environment

Explanatory note: Holders of practising certificates issued under the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* with a condition restricting them to practise at a mine operator's mine locations for Mines other than underground mines or coal mines, or Underground mines other than coal mines are not required to comply with the requirements in this notice. The requirements of the maintenance of competency condition for these certificates are to be stated in a separate notice to be published by the regulator in the NSW Government Gazette.

SCHEDULE 1

1. Maintenance of Competency – Requirements

Holders of practising certificates are required to:

- a) complete the specified amount of hours of recognised learning types in areas of competence over the period for which the certificate is granted including completing the specified minimum or maximum number of hours of learning in each competence area according to the function(s) the practising certificate is granted for, as set out in Table 1 below.
- b) record learning activities.

2. Areas of Competence

The holder of a practising certificate must complete the specified number of hours of learning in each of the following five areas of competence relevant to the statutory functions for which the practising certificate is held as set out in Table 1 below:

1. Mining and WHS Systems, including completion of the following four compulsory subjects:
 - a. Safety management system;
 - b. Principal hazards;
 - c. Principal control plans;
 - d. Specific control measures;
2. Legislation;
3. Emergency management;
4. Leadership and management;
5. General work health and safety.

The holder of a practising certificate must complete topics in each area of competence relevant to the statutory functions for which the practising certificate is held.

3. Learning Hours

When completing learning hours, the holder of a practising certificate must:

- a) complete no more than one third of total learning hours in any one year;
- b) complete learning in three or more years out of the five year period; and
- c) not carry-over excess learning hours above the total number required between renewal periods.

Requirements for the specified number of hours of each area of competence for the relevant statutory function are set out in Table 1 below.

Table 1: Summary of requirements for hours by statutory function

Statutory function	Total hours of learning over five years	Areas of competence				Minimum formal learning requirements	Maximum non-formal learning requirements
		Mining & WHS systems	Legislation	Emergency management	Leadership & management		
		Minimum of 33% of total hours of learning	Minimum of 33% of total hours of learning		Maximum of 33% of total hours of learning (as a minimum, must complete Regulator's Learning from disasters one-day program OR minimum 7 hours of other formal learning on disasters)	Minimum percentage varies according to function and is expressed as hours	Maximum percentage varies according to function and is expressed as hours
Underground coal mines							
Mining Engineering Manager	120	40		40	40	80	40
Undermanager	90	30		30	30	45	45
Deputy	60	20		20	20	20	40
Ventilation officer	90	30		30	30	45	45
Electrical engineering manager	120	40		40	40	80	40
Mechanical engineering manager	120	40		40	40	80	40
Coal mines other than underground mines							
Mining engineering manager	120	40		40	40	80	40
Electrical engineer	90*	30		30	30	45	45
Mechanical engineer	90*	30		30	30	45	45
Open cut examiner	60	20		20	20	20	40
Underground mines other than coal mines							
Mining engineering manager	120	40		40	40	80	40
Underground mine supervisor	60	20		20	20	20	40
Electrical engineer	90*	30		30	30	45	45
Mines other than underground or coal							
Quarry manager	90	30		30	30	45	45
Electrical engineer	90*	30		30	30	45	45

* The Mining and Petroleum Competence Board has endorsed to the Resources Regulator for the Electrical and Mechanical Engineer functions in Schedule 10 of the WHS (Mines and Petroleum Sites) Regulations to be amended from competence to practising certificates.

4. Learning types

The holder of a practising certificate must complete a minimum number of formal learning hours and a maximum number of non-formal and informal learning hours, depending on the management level of the practising certificate held (as set out in Table 1 above).

4A. Definitions

Formal learning means organised and structured learning with specific learning objectives (refer to 4C Criteria for types of learning).

Non-formal learning means semi organised and structured learning of a more adhoc basis, usually without specific learning objectives.

Informal learning means learning as a by-product of experience in participating or carrying out an activity.

4B. Eligible learning for types of learning

Learning that is eligible to be claimed under each type of learning and the number of hours claimable is set out in Table 2 below.

Table 2: Requirements for eligible learning by types

Formal learning recognised	Claimable formal learning hours	Non-formal learning recognised	Claimable non-formal learning hours	Informal learning recognised	Claimable informal learning hours
1. Attending industry seminars/webinars/workshops/conferences with health and safety content, such as those run by industry or related organisations. These must be relevant to your practising certificate.	Actual hours per seminar/workshop (excluding any hours not relating to safety and health of your statutory functions). Rule: this type of learning cannot account for more than half (50%) of the total formal hours required over the five years.	1. Reading publications such as (but not limited to): <ul style="list-style-type: none"> • technical articles • technical publications • conference papers • presentations 	Actual hours up to a maximum of four hours per year.	1. Participation in high level risk assessments (this does not include day to day activities involving task focused risk assessment such as Take 5).	Actual hours up to a maximum of four hours per year.
2. Successfully completing formal training courses delivered externally by an organisation*	Actual hours.	2. Relevant field trips to maintain competency for your statutory function, e.g. visiting other mines to see alternative mining methods.	Actual hours up to a maximum of two hours per field trip. Up to a maximum of two field trips (four hours total) per year.	2. Development or review of principal mining hazard management plans, or principal control plans.	Actual hours up to a maximum of four hours per year.
3. Completing study or training towards tertiary qualifications	Rule: this type of learning cannot account for more than half (50%) of the total formal	3. Delivering or participating in workplace mentoring related to health and	Actual hours up to a maximum of four hours per year.	3. Participation in conducting reportable incident investigation(s).	Actual hours up to a maximum of four hours per year.

Formal learning recognised	Claimable formal learning hours	Non-formal learning recognised	Claimable non-formal learning hours	Informal learning recognised	Claimable informal learning hours
including degrees and industry training qualifications that are pre requisites for NSW certificates of competence examinations.	hours required over the five years.	safety topics that is recorded in training records for the worker(s) involved or reports.			
4. Attending in-house formal training courses conducted within an organisation* Note: excludes meeting time for non-training content.	Actual hours. Rule: this type of learning cannot account for more than half (50%) of the total formal learning hours required over the five years	4. Participation in emergency response exercises or drills.	Actual hours up to a maximum of four hours per year.	4. Attending industry representative meetings, such as (but not limited to): <ul style="list-style-type: none"> • advisory groups • industry or specialist boards • panels of examiners membership • technical committees 	Actual hours (excluding administration and travel time).
5. Attending equipment manufacturer's formal training courses*.	Actual hours up to a maximum of four hours per year.	5. Organised meetings/sessions between mines/mine operators to share learnings e.g. incidents.	Actual hours up to a maximum of four hours per year for participating in or delivering.	5. Delivering industry seminars/workshops.	Actual hours per seminar/workshop (excluding travelling time and any other non-related activity).
6. Attending Mines Rescue Brigades person formal training courses or similar*.	Actual hours up to a maximum of four hours per year.	6. Attending relevant industry expos, relevant to health and safety for the individual maintenance of competence.	Actual hours up to a maximum of four hours per year.	6. Delivering in-house formal training courses	Actual hours up to a maximum of four hours per year.
		7. Mines Rescue Brigades	Actual hours up to a maximum of	7. Interactions between Regulator staff and individuals for information	Actual hours up to a maximum of four hours per year.

Formal learning recognised	Claimable formal learning hours	Non-formal learning recognised	Claimable non-formal learning hours	Informal learning recognised	Claimable informal learning hours
		person exercises.	four hours per year.	and education programs. For example: attendance at meetings or information sessions	

* formal training courses must satisfy a criteria in order to be claimed by the individual (refer to 4C)

4C. Criteria for types of learning

A. Formal training courses

In order to be eligible to claim formal learning from a formal training course, the holder must obtain information from the provider to have sufficient evidence that the course satisfies the criteria:

1. The course content and learning objectives* are current and relevant for those attending the course, with course starting and finishing dates/times**.
2. The person(s) delivering or designing the course** has appropriate technical and/or educational ability, experience and qualifications relevant to the course.
3. The learning environment is appropriate, safe, and adequately resourced.

* Learning objectives must be documented.

** This may include face to face, online and correspondence courses.

The holder must be satisfied that the course satisfies the above criteria before claiming hours. Information on the course as evidence of satisfying the criteria must be sought from the training provider and retained by the holder either in their logbook or separate documentation.

B. Tertiary qualifications

For the purposes of the scheme, tertiary qualifications refer to any post school qualification recognised under the Australian Qualifications Framework (AQF).

If the holder is completing a tertiary qualification they can claim study from a course that is relevant to WHS and the statutory function with the highest requirements on their practising certificate, such as:

- face to face, electronic or other form of direct interaction between you and the training institution
- completing required assessments either individually or as a group that involve studying and application of learning
- required reading of information or attending field excursions for the qualification.

5. Recordkeeping and auditing

The holder of a practising certificate:

- a) must record all learning and hours in a logbook, either electronically or in hardcopy;
- b) must retain evidence of all maintenance of competency scheme activities undertaken during the current five year renewal period and the previous renewal period;
- c) must, if the holder permanently stops practising in the function, keep records up to this point and retain the records until the practising certificate expires;
- d) is required to present a logbook(s) and evidence to the regulator for auditing purposes whenever requested.

Schedule 2

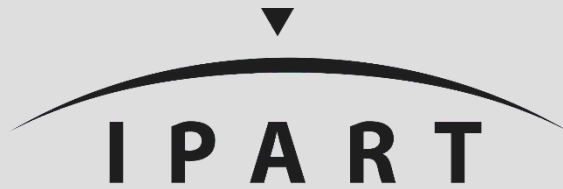
(a) Mutual recognition practising certificates

If a holder has a NSW practising certificate in recognition of their interstate or New Zealand certificate of competence, the holder must comply with the requirements for the maintenance of competency scheme as part of the condition on their NSW Practising certificate.

(b) Practising certificate for multiple functions

Where a holder has a practising certificate for multiple statutory functions, they will satisfy the function(s) with the highest requirements for total hours in each discipline at each class of mine. The holder may claim learning completed against one or more functions, provided the learning completed is relevant to the topics to the areas of competence required for each function (refer to 2 in schedule 1).

(n2019-1888)



Independent Pricing and Regulatory Tribunal
New South Wales

Central Coast Council

**Maximum prices for water, sewerage, stormwater drainage and
other services from 1 July 2019**

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Tribunal Members

The Tribunal members for this review are:

Dr Paul Paterson, Chair

Mr Ed Willett

Ms Deborah Cope

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

Anthony Rush (02) 9113 7790



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Preliminary

1 Application of this determination

1.1 This determination applies to Monopoly Services

This determination fixes maximum prices or sets methodologies for fixing maximum prices for the following services provided by Central Coast Council as a Water Supply Authority:

- (a) Water Supply Services;
 - (b) Sewerage Services;
 - (c) Stormwater Drainage Services;
 - (d) Trade Waste Services; and
 - (e) Miscellaneous Customer Services,
- (together, the **Monopoly Services**).

1.2 This determination applies to Central Coast Council

This determination applies only to Monopoly Services provided by Central Coast Council.

1.3 This determination applies in Central Coast Council's area of operations

This determination applies to Central Coast Council's entire area of operations. Central Coast Council's area of operations is its local government area under the Local Government Act.

1.4 There are two exclusions from the scope of this determination

This determination does not apply to:

- (a) Water Supply Services and Sewerage Services provided pursuant to a Negotiated Services Agreement; and
- (b) Water Supply Services and Sewerage Services provided to Narara Ecovillage.

2 Commencement and term of this determination

- (a) This determination commences on the later of:
 - (1) 1 July 2019; 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 2022. The maximum prices under this determination prevailing at 30 June 2022 continue to apply beyond 30 June 2022 until this determination is revoked or replaced.

3 Replacement of other determinations

- (a) Subject to the two exceptions set out in clause 3(b), this determination replaces the following determinations:
- (1) the 2013 Gosford Determination; and
 - (2) the 2013 Wyong Determination.
- (b) Despite clause 3(a), this determination does not replace:
- (1) clause 10 of Schedule 1 to the 2013 Gosford Determination; and
 - (2) clause 10 of Schedule 1 to the 2013 Wyong Determination.

[Note: The two clauses not replaced by this determination deal with Water Supply Services supplied by Central Coast Council to Hunter Water Corporation. These clauses will be replaced by a separate determination.]

4 Pricing schedules

The schedules listed in Table P.1 below set out the maximum prices that Central Coast Council may charge for supplying the Monopoly Services.

Table P.1 Pricing schedules

Schedule	Monopoly Services to which the schedule applies
Schedule 1	Water Supply Services
Schedule 2	Sewerage Services
Schedule 3	Stormwater Drainage Services
Schedule 4	Trade Waste Services
Schedule 5	Miscellaneous Customer Services

5 Legislative background

5.1 IPART may set maximum prices for government monopoly services supplied by specified government agencies

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.

5.2 The Monopoly Services are government monopoly services

The Monopoly Services are government monopoly services because they fall within the scope of the Order.

5.3 Central Coast Council is included in Schedule 1 to the IPART Act

IPART has a standing reference to set maximum prices for Central Coast Council because Schedule 1 to the IPART Act specifies Water Supply Authorities. Central Coast Council is a Water Supply Authority.

[Note: Schedule 3 to the Water Management Act lists 'Gosford City Council' and 'Wyong Council' as Water Supply Authorities. Under clause 6 of the 2016 Proclamation, these references are taken to be a reference to Central Coast Council.]

5.4 IPART has set a methodology for some prices, rather than fixing a maximum price

This determination fixes the maximum price for some services and sets a methodology for fixing the maximum price for other services. IPART's reasons for setting a methodology for fixing some maximum prices are set out in Schedule 6.

Schedule 1 Water Supply Services

1 Application of schedule

This schedule sets out the maximum prices that Central Coast Council may levy for Water Supply Services.

2 Maximum prices for Water Supply Services

Subject to clauses 5 and 6, the maximum price that Central Coast Council may levy for supplying Water Supply Services to a Property in a Period is the sum of:

- (a) the water supply service charge applicable to that Property, calculated in accordance with clause 3; and
- (b) the water usage charge applicable to that Property, calculated in accordance with clause 4.

[Note: Clauses 5 and 6 fix the maximum prices that Central Coast Council may levy for providing Water Supply Services to Catherine Hill Bay Water Utility and Exempt Land.]

3 Water supply service charges

- (a) Subject to clauses 3(c), 3(d) and 3(e), the water supply service charge applicable to a Property (other than an Unmetered Property or Unconnected Property) is, for each Meter that services that Property, the water supply service charge in Table 1.1 for the applicable Meter size and applicable Period.
- (b) The water supply service charge applicable to an Unmetered Property or an Unconnected Property is the water supply service charge in Table 1.1 for that Property type and applicable Period.
- (c) For the purposes of clause 3(a), the following categories of Property are deemed to have a single 20mm Meter:
 - (1) each Residential Property; and
 - (2) each Non-Residential Property within a Mixed Multi-Premises that is serviced by a Common Meter.
- (d) Where a Property:
 - (1) is serviced by a Common Meter; and
 - (2) is not deemed to have a single 20mm Meter under clause 3(c),the applicable water supply service charge in Table 1.1 for that Property is to be a portion, determined by Central Coast Council, of the applicable water supply service charge for that Common Meter.

- (e) The sum of the portions determined by Central Coast Council under clause 3(d) for the Properties serviced by a particular Common Meter must equal the water supply service charge in Table 1.1 for a Meter of that size.

Table 1.1 Water supply service charges

Meter size or Property type	1 July 2019 to 30 June 2020 (\$)	1 July 2020 to 30 June 2021 (\$)	1 July 2021 to 30 June 2022 (\$)
Unconnected Property	0	0	0
Unmetered Property	84.50	84.50 x CPI ₁	84.50 x CPI ₂
20mm	84.50	84.50 x CPI ₁	84.50 x CPI ₂
25mm	132.03	132.03 x CPI ₁	132.03 x CPI ₂
32mm	216.32	216.32 x CPI ₁	216.32 x CPI ₂
40mm	338.00	338.00 x CPI ₁	338.00 x CPI ₂
50mm	528.12	528.12 x CPI ₁	528.12 x CPI ₂
80mm	1,351.99	1,351.99 x CPI ₁	1,351.99 x CPI ₂
100mm	2,112.48	2,112.48 x CPI ₁	2,112.48 x CPI ₂
Other Meter sizes	$\frac{(\text{Meter size in mm})^2 \times \text{water supply access charge for a 20mm Meter for the applicable Period}}{400}$		

4 Water usage charge

- (a) The water usage charge applicable to a Property in a Period is the amount calculated as follows:

$$W = V \times C$$

Where:

W means the water usage charge applicable to the Property in the Period;

V means the volume (in kilolitres) supplied to the Property in the Period as calculated under this clause; and

C means the charge per kilolitre specified in Table 1.2 for the applicable Period.

- (b) For the purposes of clause 4(a), the volume supplied to a Property in a Period is the sum of:
- (1) in the case of a Property serviced by an Individual Meter—the volume supplied to the Property as measured by the Individual Meter;
 - (2) in the case of a Property serviced by a Common Meter—the volume deemed to have been supplied to the Property under clause 4(c);
 - (3) in the case of a Property that is an Unmetered Property—the volume deemed to have been supplied to that Unmetered Property under clause 4(e); and
 - (4) in the case of a Property that is an Unconnected Property—zero kilolitres.

[Example 1: Where a Property is supplied 100kL in a Period as measured by an Individual Meter and 50kL in a Period as deemed by Central Coast Council in respect of water supplied by a Common Meter, the total volume supplied to that Property in that Period is 150kL.]

[Example 2: Where a Property is metered for part of a Period and unmetered for part of that Period because the Meter supplying that Property breaks, the total volume supplied to that Property will be the volume measured by the Meter plus the volume deemed to have been supplied during the unmetered period.]

- (c) Where a Property is serviced by a Common Meter, that Property is deemed to have been supplied the volume determined by Central Coast Council.
- (d) The sum of the volumes determined by Central Coast Council under clause 4(c) for the Properties serviced by a particular Common Meter must equal the total volume supplied as measured by that Common Meter.
- (e) For any period of time that a Property is an Unmetered Property, that Property is deemed to have been supplied:
- (1) where there is not a Previous Metered Period—zero kilolitres over the relevant period; or
 - (2) where there is a Previous Metered Period—the volume calculated as follows:

$$U = \frac{V}{T} \times D$$

Where:

U means the volume deemed to have been supplied by Central Coast Council to the Unmetered Property over the relevant period;

V means the total volume supplied by Central Coast Council to the Unmetered Property over the Previous Metered Period;

T means the total number of days in the Previous Metered Period; and

D means the total number of days for which the Property was an Unmetered Property.

[Note: Previous Metered Period means the most recent period of approximately 365 days for which there is actual metering data for the relevant Property.]

Table 1.2 Water usage charge

	1 July 2019 to 30 June 2020 (\$ per kL)	1 July 2020 to 30 June 2021 (\$ per kL)	1 July 2021 to 30 June 2022 (\$ per kL)
Water usage charge	2.03	2.03 x CPI ₁	2.03 x CPI ₂

5 Maximum prices for Catherine Hill Bay Water Utility

The maximum price that Central Coast Council may levy for supplying Water Supply Services to Catherine Hill Bay Water Utility in a Period is the maximum price that would be calculated under clause 2 if Catherine Hill Bay Water Utility was a single Non-Residential Property.

6 Maximum prices for Exempt Land

The maximum price that Central Coast Council may levy for supplying Water Supply Services to Exempt Land in a Period is the water usage charge that applies to that land under clause 4.

Schedule 2 Sewerage Services

1 Application of schedule

This schedule sets out the maximum prices that Central Coast Council may levy for Sewerage Services.

2 Maximum prices for Sewerage Services

Subject to clause 5, the maximum price that Central Coast Council may levy for supplying Sewerage Services to a Property is the sum of:

- (a) the adjusted sewerage service charge applicable to that Property calculated in accordance with clause 3; and
- (b) the sewerage usage charge applicable to that Property calculated in accordance with clause 4.

[Note: Clause 5 fixes the maximum prices that Central Coast Council may levy for providing Sewerage Services to Exempt Land.]

3 Sewerage service charges

- (a) Subject to clauses 3(b), 3(c) and 3(d), the adjusted sewerage service charge applicable to a Property in a Period is, for each Meter that services the Property or for an Unconnected Property or Unmetered Property, the amount calculated as follows:

$$S = M \times D$$

Where:

S means the adjusted sewerage service charge applicable to the Property in the Period;

M means:

- (1) in the case of a Property in the Former Gosford Area, the unadjusted sewerage service charge in Table 2.1 for the applicable Meter size or Property type and applicable Period; and
- (2) in the case of a Property in the Former Wyong Area, the unadjusted sewerage service charge in Table 2.2 for the applicable Meter size or Property type and applicable Period; and

D means the applicable Sewerage Discharge Factor.

[Note: The Sewerage Discharge Factor for all Residential Properties that are connected to the sewerage system is 75%.]

- (b) For the purposes of clause 3(a), the following categories of Property (other than an Unconnected Property or Unmetered Property) are deemed to have a single 20mm Meter:
- (1) each Residential Property; and
 - (2) each Non-Residential Property within a Mixed Multi-Premises that is serviced by a Common Meter.
- (c) Where a Property:
- (1) is serviced by a Common Meter; and
 - (2) is not deemed to have a single 20mm Meter under clause 3(b),
- the applicable unadjusted sewerage service charge for that Property is to be a portion, determined by Central Coast Council, of the applicable unadjusted sewerage service charge for that Common Meter in Table 2.1 or Table 2.2.
- (d) The sum of the portions determined by Central Coast Council under clause 3(c) for the Properties serviced by a particular Common Meter must equal the applicable unadjusted sewerage service charge in Table 2.1 or Table 2.2 for a Meter of that size.

Table 2.1 Unadjusted sewerage service charges in the Former Gosford Area

Meter size or Property type	1 July 2019 to 30 June 2020 (\$)	1 July 2020 to 30 June 2021 (\$)	1 July 2021 to 30 June 2022 (\$)
Unconnected Property	0	0	0
Unmetered Property	520.08	520.08 x CPI ₁	520.08 x CPI ₂
20mm	520.08	520.08 x CPI ₁	520.08 x CPI ₂
25mm	812.63	812.63 x CPI ₁	812.63 x CPI ₂
32mm	1,331.42	1,331.42 x CPI ₁	1,331.42 x CPI ₂
40mm	2,080.34	2,080.34 x CPI ₁	2,080.34 x CPI ₂
50mm	3,250.53	3,250.53 x CPI ₁	3,250.53 x CPI ₂
80mm	8,321.35	8,321.35 x CPI ₁	8,321.35 x CPI ₂
100mm	13,002.11	13,002.11 x CPI ₁	13,002.11 x CPI ₂
Other Meter Sizes	<i>(Meter size in mm)² × sewerage access charge for a 20mm Meter for the applicable Period</i>		
	400		

[Note: Applying the fixed Sewerage Discharge Factor of 75% for Residential Properties, the adjusted sewerage service charge for a Residential Property in the Former Gosford Area is \$390.06 from the Commencement Date to 30 June 2020 and escalated for inflation in each subsequent Period.]

Table 2.2 Unadjusted sewerage service charges in the Former Wyong Area

Meter size or Property type	1 July 2019 to 30 June 2020 (\$)	1 July 2020 to 30 June 2021 (\$)	1 July 2021 to 30 June 2022 (\$)
Unconnected Property	0	0	0
Unmetered Property	477.73	477.73 x CPI ₁	477.73 x CPI ₂
20mm	477.73	477.73 x CPI ₁	477.73 x CPI ₂
25mm	453.99	535.64 x CPI ₁	632.32 x CPI ₂
32mm	743.81	877.59 x CPI ₁	1,035.99 x CPI ₂
40mm	1,162.21	1,371.24 x CPI ₁	1,618.73 x CPI ₂
50mm	1,815.95	2,142.56 x CPI ₁	2,529.27 x CPI ₂
80mm	4,648.82	5,484.96 x CPI ₁	6,474.93 x CPI ₂
100mm	7,263.79	8,570.24 x CPI ₁	10,117.08 x CPI ₂
Other Meter Sizes	<i>(Meter size in mm)² × sewerage access charge for a 25mm Meter for the applicable Period</i> 625		

[Note: Applying the fixed Sewerage Discharge Factor of 75% for Residential Properties, the adjusted sewerage service charge for a Residential Property in the Former Wyong Area is \$358.30 from the Commencement Date to 30 June 2020 and escalated for inflation in each subsequent Period.]

[Note: The unadjusted sewerage service charge for other Meter sizes in the Former Wyong Area is calculated on the basis of a 25mm Meter (rather than a 20mm Meter).]

4 Sewerage usage charge

- (a) The sewerage usage charge applicable to a Property in a Period is the amount calculated as follows:

$$S = V \times C$$

Where:

S means the sewerage usage charge applicable to the Property in the Period;

V means the volume (in kilolitres) discharged from the Property into the sewerage system as calculated under this clause; and

C means the charge per kilolitre specified in Table 2.3 for the applicable Period.

- (b) For the purposes of clause 4(a), the volume discharged from a Property into the sewerage system in a Period is either:
- (1) in the case of a Property that is not serviced by a Sewerage Meter at any time during the Period – the volume deemed to have been discharged from the Property into the sewerage system under clause 4(c); or
 - (2) in the case of a Property serviced by a Sewerage Meter for any part of the Period:
 - (A) the volume discharged from the Property into the sewerage system as measured by the Sewerage Meter; and

- (B) if applicable, any volume deemed to have been discharged under clause 4(d).

[Note: The vast majority of Properties in Central Coast Council's local government area are not serviced by a Sewerage Meter].

- (c) The volume deemed to have been discharged from a Property into the sewerage system is:
- (1) in the case of a Residential Property:
 - (A) within a Multi-Premises: $\frac{80}{365}$ kilolitres per day of that Period;
 - (B) not within a Multi-Premises: $\frac{125}{365}$ kilolitres per day of that Period;
 - (2) in the case of a Non-Residential Property:
 - (A) within a Mixed Multi-Premises: $\frac{125}{365}$ kilolitres per day of that Period;
 - (B) not within a Mixed Multi-Premises – the volume of water supplied to that Property as determined under clause 4 of Schedule 1 multiplied by the Sewerage Discharge Factor; and
 - (3) in the case of an Unconnected Property – zero kilolitres.
- (d) For a Property that was serviced by a Sewerage Meter for only part of a Period, the volume deemed to have been discharged is the volume that would have been calculated for that Property under clause 4(c) pro-rated for the number of days in the Period during which the Property was not serviced by a Sewerage Meter.

Table 2.3 Sewerage usage charge

	1 July 2019 to 30 June 2020 (\$ per kL)	1 July 2020 to 30 June 2021 (\$ per kL)	1 July 2021 to 30 June 2022 (\$ per kL)
Sewerage usage charge	0.84	0.84 x CPI ₁	0.84 x CPI ₂

[Note: Applying the deemed usage for Residential Properties within a Mixed Multi-Premises or Residential Multi-Premises to the sewerage usage charge (per kilolitre), the sewerage usage charge for each of those Residential Properties is \$67.20 from the Commencement Date to 30 June 2020 and escalated for inflation in each subsequent Period.]

[Note: Applying the deemed usage for Residential Properties that are not within a Mixed Multi-Premises or Residential Multi-Premises to the sewerage usage charge (per kilolitre), the sewerage usage charge for those Residential Properties is \$105.00 from the Commencement Date to 30 June 2020 and escalated for inflation in each subsequent Period.]

5 Maximum prices for Exempt Land

The maximum price that Central Coast Council may levy for supplying Sewerage Services to Exempt Land in a Period is the sewerage usage charge that applies to that land under clause 4.

Schedule 3 Stormwater Drainage Services

1 Application of schedule

This schedule sets out the maximum prices that Central Coast Council may levy for Stormwater Drainage Services.

2 Maximum prices for Stormwater Drainage Services

- (a) Subject to clause 5, the maximum price that Central Coast Council may levy for supplying Stormwater Drainage Services to a Property in a Period is either:
- (1) the fixed stormwater drainage service charge calculated in accordance with clause 3; or
 - (2) the area-based stormwater drainage service charge calculated in accordance with clause 4.

[Note: Clause 5 fixes the maximum prices that Central Coast Council may levy for providing Stormwater Drainage Services to Exempt Land.]

- (b) Central Coast Council may only levy a fixed stormwater drainage service charge on the following categories of Property:
- (1) Residential Property;
 - (2) Non-Residential Property that is part of a Mixed Multi-Premises;
 - (3) Vacant Land; and
 - (4) Low Impact Property.

[Note: The definition of Residential Property includes farmland.]

- (c) Central Coast Council may only levy an area-based stormwater drainage service charge on Non-Residential Properties that do not fall within one of the categories of Property that may be charged a fixed stormwater drainage service charge under clause 2(b).

3 Fixed stormwater drainage service charges

- (a) The fixed stormwater drainage service charge is the charge in Table 3.1 for the applicable Property category and applicable Period.
- (b) Where a Property falls within more than one Property category in Table 3.1, the fixed stormwater drainage service charge for that Property is whichever is lower.

Table 3.1 Fixed stormwater drainage service charges

Property Category	1 July 2019 to 30 June 2020 (\$)	1 July 2020 to 30 June 2021 (\$)	1 July 2021 to 30 June 2022 (\$)
Low Impact Property	104.55	104.55 x CPI ₁	104.55 x CPI ₂
Residential Property that is not part of a Multi-Premises	104.55	104.55 x CPI ₁	104.55 x CPI ₂
Each Property within a Residential Multi-Premises or Mixed Multi-Premises	78.41	78.41 x CPI ₁	78.41 x CPI ₂
Vacant Land	78.41	78.41 x CPI ₁	78.41 x CPI ₂

4 Area-based stormwater drainage service charges

- The area-based stormwater drainage service charge for a Non-Residential Property that is not part of a Non-Residential Multi-Premises is the charge in Table 3.2 for the applicable Property Area and applicable Period.
- The area-based stormwater drainage service charge for a Non-Residential Property that is part of a Non-Residential Multi-Premises is an amount determined by Central Coast Council.
- The sum of the amounts determined by Central Coast Council under clause 4(b) for Non-Residential Properties in a particular Non-Residential Multi-Premises must not exceed the charge in Table 3.2 for the applicable Period for a Property with the same Property Area as that Non-Residential Multi-Premises.

Table 3.2 Area-based stormwater drainage service charges

Property Area	1 July 2019 to 30 June 2020 (\$)	1 July 2020 to 30 June 2021 (\$)	1 July 2021 to 30 June 2022 (\$)
Small ($\leq 1000\text{m}^2$)	104.55	104.55 x CPI ₁	104.55 x CPI ₂
Medium ($> 1000\text{m}^2$ and $\leq 10000\text{m}^2$)	130.69	156.83 x CPI ₁	182.97 x CPI ₂
Large ($> 10000\text{m}^2$ and $\leq 45000\text{m}^2$)	357.22	609.89 x CPI ₁	862.56 x CPI ₂
Very Large ($> 45000\text{m}^2$)	940.98	1,777.40 x CPI ₁	2,613.83 x CPI ₂

5 Maximum prices for Exempt Land

The maximum price that Central Coast Council may levy for supplying Stormwater Drainage Services to Exempt Land in a Period is zero.

Schedule 4 Trade Waste Services

1 Application of schedule

This schedule sets out the maximum prices that Central Coast Council may levy for Trade Waste Services.

2 There are four categories of Trade Waste Services

IPART has determined maximum prices for four categories of Trade Waste Services:

- (a) Category 5 Trade Waste Discharge Services;
- (b) Category 1 Trade Waste Discharge Services;
- (c) Category 2 Trade Waste Discharge Services; and
- (d) Category 3 Trade Waste Discharge Services.

3 Maximum prices for Trade Waste Services

3.1 General provisions for Trade Waste Services

- (a) The maximum price that Central Coast Council may levy for supplying Trade Waste Services to a customer is the maximum price calculated in accordance with this clause for the applicable category of Trade Waste Services.
- (b) In this clause 3, a reinspection fee is only required when a regular inspection by Central Coast Council uncovers non-compliance with the conditions of any approval issued by Central Coast Council and there are no further regular inspections included in the annual fee to confirm that the amelioration work is complete.
- (c) For the purposes of clause 3.1(b):
 - (1) there is one regular inspection included in the annual fee for:
 - (A) Category 5 Trade Waste Discharge Services; and
 - (B) Category 1 Trade Waste Discharge Services; and
 - (2) two regular inspections included in the annual fee for:
 - (A) Category 2 Trade Waste Discharge Services; and
 - (B) Category 3 Trade Waste Discharge Services.

3.2 Maximum prices for Category S Trade Waste Discharge Services

- (a) The maximum price that Central Coast Council may levy for supplying Category S Trade Waste Discharge Services to a customer in a Period is the amount calculated as follows:

$$MP_S = A_S + (V_S \times U_S) + (R \times n)$$

Where:

MP_S means the maximum price that Central Coast Council may levy for supplying Category S Trade Waste Discharge Services to a customer in a Period;

A_S means:

- (1) in any Period during which the customer uses the Category S Trade Waste Discharge Services for the first time – the application fee in Table 4.1 for the applicable Period; and
- (2) in any other Period – the annual fee in Table 4.1 for the applicable Period;

V_S means the volume (in kilolitres) of liquid trade waste as measured by Central Coast Council;

U_S means:

- (1) where the trade waste is septage and septic effluent, the septage and septic effluent usage charge per kilolitre of liquid trade waste in Table 4.1 for the applicable Period; and
- (2) where the trade waste is septic effluent only, the septic effluent usage charge per kilolitre of liquid trade waste in Table 4.1 for the applicable Period;

R means the reinspection fee in Table 4.1 for the applicable Period; and

n means the number of reinspections in the Period.

Table 4.1 Category S Trade Waste Discharge Services Fees and Charges

Fees and Charges	1 July 2019 to 30 June 2020	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022
Application fee (\$) (A_S)	168.09	168.09 x CPI ₁	168.09 x CPI ₂
Annual fee (\$) (A_S)	152.82	152.82 x CPI ₁	152.82 x CPI ₂
Septage and septic effluent usage charge (\$ per kL) (U_S)	17.77	17.77 x CPI ₁	17.77 x CPI ₂
Septic effluent usage charge (\$ per kL) (U_S)	1.77	1.77 x CPI ₁	1.77 x CPI ₂
Reinspection fee (\$) (R)	111.86	111.86 x CPI ₁	111.86 x CPI ₂

3.3 Maximum prices for Category 1 Trade Waste Discharge Services

- (a) The maximum price that Central Coast Council may levy for supplying Category 1 Trade Waste Discharge Services to a customer in a Period is the amount calculated as follows:

$$MP_1 = A_1 + (R \times n)$$

Where:

MP_1 means the maximum price that Central Coast Council may levy for supplying Category 1 Trade Waste Discharge Services to a customer in a Period;

A_1 means:

- (1) in any Period during which the customer uses the Category 1 Trade Waste Discharge Services for the first time – the application fee in Table 4.2 for the applicable Period; and
- (2) in any other Period – the annual fee in Table 4.2 for the applicable Period;

R means the reinspection fee in Table 4.2 for the applicable Period; and

n means the number of reinspections in the Period.

Table 4.2 Category 1 Trade Waste Discharge Services Fees

Fees	1 July 2019 to 30 June 2020 (\$)	1 July 2020 to 30 June 2021 (\$)	1 July 2021 to 30 June 2022 (\$)
Application fee (A_1)	96.57	96.57 x CPI ₁	96.57 x CPI ₂
Annual fee (A_1)	96.58	96.58 x CPI ₁	96.58 x CPI ₂
Reinspection fee (R)	111.86	111.86 x CPI ₁	111.86 x CPI ₂

3.4 Maximum prices for Category 2 Trade Waste Discharge Services

- (a) The maximum price that Central Coast Council may levy for supplying Category 2 Trade Waste Discharge Services to a customer in a Period is the amount calculated as follows:

$$MP_2 = A_2 + (V_2 \times D \times U_2) + (R \times n)$$

Where:

MP_2 means the maximum price that Central Coast Council may levy for supplying Category 2 Trade Waste Discharge Services to a customer in a Period;

A_2 means:

- (1) in any Period during which the customer uses the Category 2 Trade Waste Discharge Services for the first time – the application fee in Table 4.3 for the applicable Period; and
- (2) in any other Period – the annual fee in Table 4.3 for the applicable Period;

V_2 means the volume of water (in kilolitres) supplied to the customer in that Period, as determined in accordance with clause 4(b) of Schedule 1;

D means the Trade Waste Discharge Factor;

U_2 means:

- (1) where the customer has undertaken the necessary pre-treatment in accordance with the Trade Waste Policy – the pre-treated trade waste usage charge in Table 4.3 for the applicable Period; and
- (2) where the customer discharges trade waste that is non-compliant with the Trade Waste Policy and has not undertaken the necessary pre-treatment in accordance with the Trade Waste Policy – the non-compliant and untreated trade waste usage charge in Table 4.3 for the applicable Period;

R means the reinspection fee in Table 4.3 for the applicable Period; and

n means the number of reinspections in the Period.

Table 4.3 Category 2 Trade Waste Discharge Services Fees and Charges

Fees and Charges	1 July 2019 to 30 June 2020	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022
Application fee (\$) (A_2)	122.25	122.25 x CPI ₁	122.25 x CPI ₂
Annual fee (\$) (A_2)	350.54	350.54 x CPI ₁	350.54 x CPI ₂
Reinspection fee (\$) (R)	111.86	111.86 x CPI ₁	111.86 x CPI ₂
Pre-treated trade waste usage charge (\$ per kL) (U_2)	1.77	1.77 x CPI ₁	1.77 x CPI ₂
Non-compliant and untreated trade waste usage charge (\$ per kL) (U_2)	15.13	15.13 x CPI ₁	15.13 x CPI ₂

3.5 Maximum prices for Category 3 Trade Waste Discharge Services

- (a) The maximum price that Central Coast Council may levy for supplying Category 3 Trade Waste Discharge Services to a customer in a Period is the amount calculated as follows:

$$MP_3 = A_3 + M + (R \times n)$$

Where:

MP_3 means the maximum price that Central Coast Council may levy for supplying Category 3 Trade Waste Discharge Services to a customer in a Period;

A_3 means:

- (1) in any Period during which the customer uses the Category 3 Trade Waste Discharge Services for the first time – the application fee in Table 4.4 for the applicable Period; and
- (2) in any other Period – the annual fee in Table 4.4 for the applicable region and applicable Period;

M means the aggregate of excess mass charges in Table 4.5, calculated in accordance with the Trade Waste Policy;

R means the reinspection fee in Table 4.4 for the applicable Period; and
 n means the number of reinspections in the Period.

Table 4.4 Category 3 Trade Waste Discharge Services Fees

Fees	1 July 2019 to 30 June 2020 (\$)	1 July 2020 to 30 June 2021 (\$)	1 July 2021 to 30 June 2022 (\$)
Application fee (A_3)	2,201.86	2,201.86 x CPI ₁	2,201.86 x CPI ₂
Annual fee – Former Gosford Area (Y_3)	1,781.30	1,568.14 x CPI ₁	1,354.99 x CPI ₂
Annual fee – Former Wyong Area (Y_3)	865.90	1,110.44 x CPI ₁	1,354.99 x CPI ₂
Reinspection fee (R)	111.86	111.86 x CPI ₁	111.86 x CPI ₂

Table 4.5 Category 3 Trade Waste Discharge Services Excess Mass Charges

Pollutant	1 July 2019 to 30 June 2020 (\$ per kg)	1 July 2020 to 30 June 2021 (\$ per kg)	1 July 2021 to 30 June 2022 (\$ per kg)
Biochemical oxygen demand	0.78	0.78 x CPI ₁	0.78 x CPI ₂
Suspended solids	1.00	1.00 x CPI ₁	1.00 x CPI ₂
Total oil and grease	1.41	1.41 x CPI ₁	1.41 x CPI ₂
Ammonia	0.78	0.78 x CPI ₁	0.78 x CPI ₂
pH	0.43	0.43 x CPI ₁	0.43 x CPI ₂
Total Kjeldahl nitrogen	0.18	0.18 x CPI ₁	0.18 x CPI ₂
Total phosphorus	1.51	1.51 x CPI ₁	1.51 x CPI ₂
Total dissolved solids	0.05	0.05 x CPI ₁	0.05 x CPI ₂
Sulphate (as SO ₄)	0.15	0.15 x CPI ₁	0.15 x CPI ₂
Aluminium	0.73	0.73 x CPI ₁	0.73 x CPI ₂
Arsenic	74.24	74.24 x CPI ₁	74.24 x CPI ₂
Barium	37.14	37.14 x CPI ₁	37.14 x CPI ₂
Boron	0.73	0.73 x CPI ₁	0.73 x CPI ₂
Bromine	15.13	15.13 x CPI ₁	15.13 x CPI ₂
Cadmium	343.75	343.75 x CPI ₁	343.75 x CPI ₂
Chloride	0	0	0
Chlorinated hydrocarbons	36.53	36.53 x CPI ₁	36.53 x CPI ₂
Chlorinated phenolics	1,512.59	1,512.59 x CPI ₁	1,512.59 x CPI ₂
Chlorine	1.55	1.55 x CPI ₁	1.55 x CPI ₂
Chromium	24.74	24.74 x CPI ₁	24.74 x CPI ₂
Cobalt	15.13	15.13 x CPI ₁	15.13 x CPI ₂
Copper	15.13	15.13 x CPI ₁	15.13 x CPI ₂
Cyanide	74.24	74.24 x CPI ₁	74.24 x CPI ₂
Fluoride	3.69	3.69 x CPI ₁	3.69 x CPI ₂

Formaldehyde	1.55	1.55 x CPI ₁	1.55 x CPI ₂
Herbicides/defoliant	742.55	742.55 x CPI ₁	742.55 x CPI ₂
Iron	1.52	1.52 x CPI ₁	1.52 x CPI ₂
Lead	37.14	37.14 x CPI ₁	37.14 x CPI ₂
Lithium	7.44	7.44 x CPI ₁	7.44 x CPI ₂
Manganese	7.44	7.44 x CPI ₁	7.44 x CPI ₂
Mercaptans	79.96	79.96 x CPI ₁	79.96 x CPI ₂
Mercury	2,475.17	2,475.17 x CPI ₁	2,475.17 x CPI ₂
Methylene blue active substances (MBAS)	0.73	0.73 x CPI ₁	0.73 x CPI ₂
Molybdenum	0.73	0.73 x CPI ₁	0.73 x CPI ₂
Nickel	24.74	24.74 x CPI ₁	24.74 x CPI ₂
Organoarsenic compounds	742.55	742.55 x CPI ₁	742.55 x CPI ₂
Pesticides general (excludes organochlorins and organophosphates)	739.51	739.51 x CPI ₁	739.51 x CPI ₂
Petroleum hydrocarbons (non-chlorinated)	2.33	2.33 x CPI ₁	2.33 x CPI ₂
Phenolic compounds (non-chlorinated)	7.44	7.44 x CPI ₁	7.44 x CPI ₂
Polynuclear hydrocarbons	15.12	15.12 x CPI ₁	15.12 x CPI ₂
Selenium	52.23	52.23 x CPI ₁	52.23 x CPI ₂
Silver	1.46	1.46 x CPI ₁	1.46 x CPI ₂
Sulphide	1.50	1.50 x CPI ₁	1.50 x CPI ₂
Sulphite	1.50	1.50 x CPI ₁	1.50 x CPI ₂
Thiosulphate	0.27	0.27 x CPI ₁	0.27 x CPI ₂
Tin	7.44	7.44 x CPI ₁	7.44 x CPI ₂
Uranium	8.00	8.00 x CPI ₁	8.00 x CPI ₂
Zinc	15.12	15.12 x CPI ₁	15.12 x CPI ₂

Schedule 5 Miscellaneous Customer Services

1 Application of schedule

This schedule sets out the maximum prices that Central Coast Council may levy for Miscellaneous Customer Services.

2 Maximum prices for Miscellaneous Customer Services

The maximum price that Central Coast Council may levy for the Miscellaneous Customer Services listed in Table 5.1 is the corresponding price specified in Table 5.1 for the applicable Period.

Table 5.1 Maximum prices for Miscellaneous Customer Services

No	Miscellaneous Customer Services	1 July 2019 to 30 June 2020 (\$)	1 July 2020 to 30 June 2021 (\$)	1 July 2021 to 30 June 2022 (\$)
1	Conveyancing certificate - statement of outstanding charges	26.91	26.91 x CPI ₁	26.91 x CPI ₂
2	Property sewer line and drainage diagram			
	a) Property sewer line and drainage diagrams	18.29	18.29 x CPI ₁	18.29 x CPI ₂
	b) Property sewer line and drainage diagrams (with long section)	21.53	21.53 x CPI ₁	21.53 x CPI ₂
	c) Property sewer line and drainage diagrams (property complex)	31.21	31.21 x CPI ₁	31.21 x CPI ₂
3	Provision of service location diagrams			
	a) Water and sewer location plans	21.53	21.53 x CPI ₁	21.53 x CPI ₂
	b) Water and sewer location plans (including long section)	26.91	26.91 x CPI ₁	26.91 x CPI ₂
4	Special Meter reading statement			
	a) Manual request	41.92	41.92 x CPI ₁	41.92 x CPI ₂
	b) Online request	31.16	31.16 x CPI ₁	31.16 x CPI ₂
5	Billing record search statement			
	a) up to and including 5 years	37.67	37.67 x CPI ₁	37.67 x CPI ₂
	b) up to and including 10 years	69.96	69.96 x CPI ₁	69.96 x CPI ₂
	c) beyond 10 years	102.25	102.25 x CPI ₁	102.25 x CPI ₂
6	Building over or adjacent to water and sewer advice (existing structures)	54.52	54.52 x CPI ₁	54.52 x CPI ₂
7	Water reconnection (business hours only)	150.10	150.10 x CPI ₁	150.10 x CPI ₂
8	Workshop test of Meter			

	a) 20mm to 80mm	314.03	314.03 x CPI ₁	314.03 x CPI ₂
	b) > 80mm	486.24	486.24 x CPI ₁	486.24 x CPI ₂
9	Application for disconnection of water service			
	a) Application	62.11	62.11 x CPI ₁	62.11 x CPI ₂
	b) Physical disconnection	236.64	236.64 x CPI ₁	236.64 x CPI ₂
10	Connection of water service			
	a) Application for connection of water service (all sizes)	62.11	62.11 x CPI ₁	62.11 x CPI ₂
	b) Water service connection Meter only (20mm)	182.93	182.93 x CPI ₁	182.93 x CPI ₂
	c) Water service connection short & long service (20mm)	716.54	1,063.72 x CPI ₁	1,410.91 x CPI ₂
	d) Water service connection short & long service (25mm)	716.54	1,181.99 x CPI ₁	1,647.44 x CPI ₂
	e) Water service connection short service (32mm)	1,981.28	1,981.28 x CPI ₁	1,981.28 x CPI ₂
	f) Water service connection long service (32mm)	2,774.14	2,774.14 x CPI ₁	2,774.14 x CPI ₂
	g) Water service connection short service (40mm)	1,981.28	1,981.28 x CPI ₁	1,981.28 x CPI ₂
	h) Water service connection long service (40mm)	2,774.14	2,774.14 x CPI ₁	2,774.14 x CPI ₂
	i) Water service connection short service (50mm)	2,385.74	2,385.74 x CPI ₁	2,385.74 x CPI ₂
	j) Water service connection long service (50mm)	3,395.63	3,395.63 x CPI ₁	3,395.63 x CPI ₂
	k) Water service connection short service (63mm)	2,385.74	2,385.74 x CPI ₁	2,385.74 x CPI ₂
	l) Water service connection long service (63mm)	3,395.63	3,395.63 x CPI ₁	3,395.63 x CPI ₂
	m) Water service connection metered short service (80mm)	7,870.90	7,870.90 x CPI ₁	7,870.90 x CPI ₂
	n) Water service connection unmetered short fire service (80mm)	6,939.62	6,939.62 x CPI ₁	6,939.62 x CPI ₂
	o) Water service connection metered long service (80mm)	13,477.39	13,477.39 x CPI ₁	13,477.39 x CPI ₂
	p) Water service connection unmetered long fire service (80mm)	12,546.11	12,546.11 x CPI ₁	12,546.11 x CPI ₂
	q) Water service connection metered short service (100mm)	9,191.56	9,191.56 x CPI ₁	9,191.56 x CPI ₂
	r) Water service connection unmetered short fire service (100mm)	7,452.50	7,452.50 x CPI ₁	7,452.50 x CPI ₂
	s) Water service connection metered long service (100mm)	14,596.81	14,596.81 x CPI ₁	14,596.81 x CPI ₂
	t) Water service connection unmetered long fire service (100mm)	13,259.34	13,259.34 x CPI ₁	13,259.34 x CPI ₂
	u) Water service connection metered short service (150mm)	9,658.67	9,658.67 x CPI ₁	9,658.67 x CPI ₂
	v) Water service connection unmetered short fire service (150mm)	8,443.07	8,443.07 x CPI ₁	8,443.07 x CPI ₂

Schedule 5 Miscellaneous Customer Services

w) Water service connection metered long service (150mm)	16,788.09	16,788.09 x CPI ₁	16,788.09 x CPI ₂
x) Water service connection unmetered long fire service (150mm)	15,572.49	15,572.49 x CPI ₁	15,572.49 x CPI ₂
11 Standpipe hire - security bond			
a) Security bond (25mm)	438.98	438.98 x CPI ₁	438.98 x CPI ₂
b) Security bond (63mm)	844.72	844.72 x CPI ₁	844.72 x CPI ₂
12 Standpipe hire - annual fee			
a) 25mm	132.03	132.03 x CPI ₁	132.03 x CPI ₂
b) 63mm	838.44	838.44 x CPI ₁	838.44 x CPI ₂
c) Standpipe special reading fee	60.91	60.91 x CPI ₁	60.91 x CPI ₂
13 Standpipe water usage	2.03/kL	2.03/kL x CPI ₁	2.03/kL x CPI ₂
14 Backflow prevention device application and initial registration	70.89	70.89 x CPI ₁	70.89 x CPI ₂
15 Inspection of new water and sewer assets (including encasements)			
a) water & pressure sewer main	120.31 + 6.31 per metre of water & pressure sewer main	(120.31 + 6.31 per metre of water & pressure sewer main) x CPI ₁	(120.31 + 6.31 per metre of water & pressure sewer main) x CPI ₂
b) gravity sewer main	120.31 + 8.42 per metre of gravity sewer main	(120.31 + 8.42 per metre of gravity sewer main) x CPI ₁	(120.31 + 8.42 per metre of gravity sewer main) x CPI ₂
16 Statement of available pressure and flow	133.69	133.69 x CPI ₁	133.69 x CPI ₂
17 Location of water and sewer mains (The charge includes 2 crew members for 2 hours. Additional plant and equipment costs are by quote)	572.04	572.04 x CPI ₁	572.04 x CPI ₂
18 Plumbing and drainage inspection			
a) New sewer connection (including residential single dwelling, unit or villa complex, commercial and industrial)	180.59	180.59 x CPI ₁	180.59 x CPI ₂
b) Each additional WC (including residential single dwelling, unit, villa, commercial and industrial)	15.29	15.29 x CPI ₁	15.29 x CPI ₂
c) Alterations, caravans and mobile homes	165.30	165.30 x CPI ₁	165.30 x CPI ₂
d) Sewer re-inspection	41.33	41.33 x CPI ₁	41.33 x CPI ₂
e) Rainwater tank connection	67.66	67.66 x CPI ₁	67.66 x CPI ₂
19 Adjust an existing 20mm service	190.83	190.83 x CPI ₁	190.83 x CPI ₂
20 Raise/lower manhole inspection	56.58	56.58 x CPI ₁	56.58 x CPI ₂
21 Water or sewer engineering plan assessment			
a) Small projects – Residential development ≤10 lots (including associated mains relocations or mains extensions to existing properties outside service area) (charged per application, water or sewer)	294.10	294.10 x CPI ₁	294.10 x CPI ₂

b) Medium projects >10 and ≤50 lots (including associated mains relocations), new or modification to existing private sewage pumping stations or medium density development (charged per application, water or sewer)	701.84	701.84 x CPI ₁	701.84 x CPI ₂
c) Large projects >50 and ≤150 lots (including associated mains relocations) (charged per application, water or sewer)	895.67	895.67 x CPI ₁	895.67 x CPI ₂
d) Special projects (road and/or rail authority asset relocations/adjustments, new or adjustments to existing water or sewage pumping stations, assessment of consultant reports for development within water catchment areas (NorBE) or developments >150 lots)	3,074.69	3,074.69 x CPI ₁	3,074.69 x CPI ₂
22 Section 307 certificate			
a) Development without requirement	60.16	60.16 x CPI ₁	60.16 x CPI ₂
b) Boundary realign, subdivisions or developments involving mains extensions	327.52	327.52 x CPI ₁	327.52 x CPI ₂
c) Multi Residential Development including units, granny flats and dual occupancies	147.05	147.05 x CPI ₁	147.05 x CPI ₂
d) Commercial buildings, factories, torrens subdivision of dual occupancy etc	180.48	180.48 x CPI ₁	180.48 x CPI ₂
23 Cancellation of water and sewer applications	21.53	21.53 x CPI₁	21.53 x CPI₂
24 Water & sewer building plan assessment (review building over or adjacent to water or sewer mains requirements for new structures)	133.69	133.69 x CPI₁	133.69 x CPI₂

Schedule 6 Statement of reasons for setting methodologies

1 Legislative framework

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.

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

2.1 Methodology for deeming water usage to an Unmetered Property

IPART has set a methodology for deeming the number of kilolitres of water supplied to an Unmetered Property where there is sufficient historical metering data. This is because, in IPART's view, historical metering data is likely to be a more accurate indicator of actual water usage as compared to a fixed amount. IPART considers that it would be impractical to directly fix a price.

2.2 Methodology for service charges for other Meter sizes

IPART has set a methodology for calculating maximum water supply service charges and maximum unadjusted sewerage service charges for less common Meter sizes. This is because IPART considers it would be impractical to fix prices for every possible Meter size.

2.3 Methodology for Trade Waste Services

IPART has set methodologies for fixing the maximum price for Trade Waste Services. This is because the cost of providing each category of Trade Waste Services depends on a number of variables such as: the number of reinspections in each Period; whether or not the trade waste has been pre-treated; and, the quantities of pollutants in the trade waste. By setting these methodologies, IPART is able to set more cost reflective prices for Trade Waste Services. IPART considers that it would be impractical to directly fix a price.

Schedule 7 Definitions and interpretation

1 Definitions

1.1 General definitions

In this determination:

2013 Gosford Determination means IPART's determination No. 2 of 2013 entitled 'Gosford City Council Prices - 1 July 2013 to June 2017' published in New South Wales, *Gazette*, No 73, 21 June 2013, 2763.

2013 Wyong Determination means IPART's determination No. 3 of 2013 entitled 'Wyong Shire Council prices - 1 July 2013 to 30 June 2017' published in New South Wales, *Gazette*, No 73, 21 June 2013, 2818.

2016 Proclamation means the *Local Government (Council Amalgamations) Proclamation 2016* (NSW).

Category 1 Trade Waste Discharge Services means services provided in respect of the discharge of trade waste into the sewerage system that is deemed by Central Coast Council as requiring nil or minimal pre-treatment equipment and whose effluent is well defined or is of a relatively low risk to the sewerage system.

Category 2 Trade Waste Discharge Services means services provided in respect of the discharge of trade waste into the sewerage system that is deemed by Central Coast Council as requiring a prescribed type of liquid trade waste pre-treatment equipment and whose effluent is well characterised.

Category 3 Trade Waste Discharge Services means services provided in respect of the discharge of trade waste into the sewerage system that is deemed by Central Coast Council as being of an industrial nature or which results in a discharge volume greater than 20 kilolitres of liquid trade waste per day.

Category S Trade Waste Discharge Services means services provided in respect of the discharge of the following categories of waste into the sewerage system:

- (a) Pan Waste;
- (b) Septic Tank Waste; and
- (c) Ship-to-Shore Pump-Out.

Catherine Hill Bay Water Utility means Catherine Hill Bay Water Utility Pty Ltd (ACN: 163 381 922).

Central Coast Council means the Council by that name under the Local Government Act.

[Note: The former Gosford City Council and Wyong Shire Council were amalgamated to form Central Coast Council in 2016.]

Commencement Date means the commencement date defined in clause 2(a) of the Preliminary section of this determination.

Common Meter means a Meter which services a Multi-Premises, where the Meter measures the water supplied to the Multi-Premises but not to each relevant Property located on or within that Multi-Premises.

Community Development Lot has the meaning given to that term under the *Community Land Development Act 1989* (NSW).

Company Title Building means a building owned by a company where the issued shares of the company entitle the legal owner to exclusive occupation of a specified Company Title Dwelling within that building.

Company Title Dwelling means a dwelling within a Company Title Building.

Council has the meaning given to that term under the Local Government Act.

Exempt Land means land to which section 312(1) of the Water Management Act applies.

Former Gosford Area means that part of New South Wales constituted as an area under the Local Government Act with the name 'Central Coast' but excluding the Former Wyong Area.

Former Wyong Area means the part of New South Wales constituted as an area under the Local Government Act with the name 'Wyong' that existed immediately prior to the 2016 Proclamation.

Individual Meter means a Meter that services a Property, where the Meter only measures the water supplied to that Property.

IPART means the Independent Pricing and Regulatory Tribunal established under the IPART Act.

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

Local Environmental Plan means a local environmental plan (or LEP) made under the *Environmental Planning and Assessment Act 1979* (NSW).

Local Government Act means the *Local Government Act 1993* (NSW).

Local Government Regulation means the *Local Government (General) Regulation 2005* (NSW).

Low Impact Property means:

- (a) a Property that is Rateable Land that is categorised as ‘business’ under section 518 of the Local Government Act and at least 90% of that Property’s land area falls within one or more of the following land use zones in the applicable Local Environmental Plan:
 - (1) a Recreational Zone;
 - (2) an Environmental Protection Zone; or
 - (3) a Waterway Zone; or
- (b) a Property that has been assessed by Central Coast Council as being ‘low impact’ for the purposes of Schedule 3 to this determination.

[Note: The area-based stormwater drainage service charge for a small Property ($\leq 1000\text{m}^2$) is the same as the fixed stormwater drainage service charge for a Low Impact Property. A different fixed stormwater drainage service charge applies to Vacant Land.]

Meter means an apparatus for the measurement of water usage but excludes an apparatus used to check the accuracy of a meter.

Miscellaneous Customer Services means the ancillary and miscellaneous customer services referred to in clause 3(f) of the Order.

Mixed Multi-Premises means a Multi-Premises that contains at least one Residential Property and at least one Non-Residential Property.

Monopoly Services means the services referred to in clause 1.1 of the Preliminary section of this determination.

Multi-Premises means a premises where there is more than one Property.

Narara Ecovillage means Narara Ecovillage Co-operative Ltd (Registration No: NSWC29882).

Negotiated Services Agreement means a written agreement between Central Coast Council and Catherine Hill Bay Water Utility, a copy of which is provided to IPART by Central Coast Council, under which Central Coast Council agrees to provide Water Supply Services and/or Sewerage Services to Catherine Hill Bay Water Utility at prices that are not the maximum prices set out in this determination.

Non-Residential Multi-Premises means a Multi-Premises containing only Non-Residential Properties.

Non-Residential Property means a Property that is not a Residential Property.

[Note: For the purposes of this determination, a Retirement Village is a type of Non-Residential Property.]

Order means the *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997* published in New South Wales, *Gazette*, No 18, 14 February 1997, 558.

Pan Waste means any waste contained in a 'pan' as that term is defined in the Local Government Regulation.

Period means, as the case may be:

- (a) 1 July 2019 to 30 June 2020;
- (b) 1 July 2020 to 30 June 2021; or
- (c) 1 July 2021 to 30 June 2022.

Previous Metered Period means the most recent period of approximately 365 days for which there is actual metering data for the relevant Property.

Property includes:

- (a) a Strata Title Lot;
- (b) a Company Title Dwelling;
- (c) a Community Development Lot;
- (d) a Retirement Village;
- (e) a building, or part of a building, occupied or available for occupation as a separate place of domicile or separate place of business, other than a building to which paragraphs (a) to (d) apply; or
- (f) land (including Vacant Land); but

excludes a Retirement Village Unit.

[Note: The intention of this determination is that maximum prices for Monopoly Services supplied to Retirement Villages apply at the Retirement Village level rather than at the individual Retirement Village Unit level.]

Property Area means the area of the land that comprises a Non-Residential Property or Non-Residential Multi-Premises, measured in square meters.

Rateable Land has the meaning given to that term under the Local Government Act.

Residential Multi-Premises mean a Multi-Premises containing only Residential Properties.

Residential Property means a Property where:

- (a) in the case of the Property being Rateable Land, the Property is categorised as:
 - (1) 'residential' under section 516 of the Local Government Act; or
 - (2) 'farmland' under section 515 of the Local Government Act; or
- (b) in the case of the Property not being Rateable Land, the dominant use of the Property is:

- (1) residential, applying the classifications in section 516 of the Local Government Act; or
- (2) farmland, applying the classifications in section 515 of the Local Government Act; but

excludes Retirement Villages.

Retirement Village has the meaning given to that term under the *Retirement Villages Act 1999* (NSW).

Retirement Village Unit means a unit located in a Retirement Village.

Septic Tank Waste means any waste contained in a 'septic tank' as that term is defined in the Local Government Regulation.

Sewerage Discharge Factor means:

- (a) in the case of a Property deemed to have a 20mm Meter under clause 3(b) of Schedule 2 or an Unmetered Property – 75%;
- (b) in the case of an Unconnected Property – 0%; and
- (c) in any other case – the percentage (being no more than 100%) of water supplied to a Property that Central Coast Council estimates is discharged into the sewerage system.

Sewerage Meter means an apparatus for measuring the volume discharged from a Property into the sewerage system but excludes an apparatus used to check the accuracy of a sewerage meter.

Sewerage Services means the sewerage services referred to in clause 3(b) of the Order.

Ship-to-Shore Pump-Out means liquid waste from a vessel including on-board toilet wastes, galley wastes and dry dock cleaning waste from maintenance activities but excluding bilge water.

Stormwater Drainage Services means the stormwater drainage services referred to in clause 3(c) of the Order.

[Note: This determination applies only to any Stormwater Drainage Services provided by Central Coast Council as a Water Supply Authority.]

Strata Title Lot means a 'lot' as defined under the *Strata Schemes Development Act 2015* (NSW), but excludes a 'utility lot' as defined under that Act.

Trade Waste Discharge Factor means the percentage (being no more than 100%) of water supplied to a Property under clause 4(b) of Schedule 1 that Central Coast Council estimates is discharged into the sewerage system as trade waste.

Trade Waste Policy means the former Wyong Shire Council's *Policy for discharge of liquid trade waste to the sewerage system* (Policy No: WSC056) as amended or replaced from time to time by Central Coast Council.

Trade Waste Services means the trade waste services referred to in clause 3(d) of the Order.

Unconnected Property means:

- (a) in the context of Schedule 1, a Property that is not connected, but is reasonably available for connection, to Central Coast Council's water supply system; and
- (b) in the context of Schedule 2, a Property that is not connected, but is reasonably available for connection, to Central Coast Council's sewerage system.

Unmetered Property means a Property that is connected to the water supply system or sewerage system and is not serviced by a Meter.

Vacant Land means an Unconnected Property with no capital improvements.

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

Water Supply Authority has the meaning given to that term under the Water Management Act.

Water Supply Services means the water supply services referred to in clause 3(a) of the Order.

1.2 Consumer Price Index

- (a) 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) The maximum prices in this determination are to be adjusted for inflation by multiplying the specified price by the specified CPI multiplier:
 - (1) CPI_1 ; or
 - (2) CPI_2 .
- (c) In this determination:

$$CPI_1 = \frac{CPI_{March2020}}{CPI_{March2019}}$$

$$CPI_2 = \frac{CPI_{March2021}}{CPI_{March2019}}$$

Where:

$CPI_{March2019}$ means CPI for the March quarter of 2019;

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

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

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 or table is a reference to a schedule to, clause of, 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 importing the singular include the plural and vice versa;
- (e) a reference to a law or statute includes regulations, rules, codes and other instruments (including licences) under it and consolidations, amendments, reenactments or replacements of them or of the law or statute itself;
- (f) where a word is defined, other grammatical forms of that word 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, substitutes (including, but not limited to, persons taking by novation), replacements and assigns; and
- (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.

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.

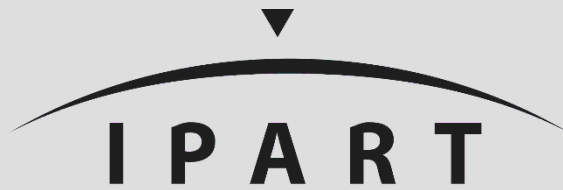
2.3 Maximum prices exclusive of GST

- (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.

(n2019-1889)



Independent Pricing and Regulatory Tribunal
New South Wales

Bulk water transfers between Hunter Water Corporation and Central Coast Council

Maximum prices from 1 July 2019

Final Determination

May 2019

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Tribunal Members

The Tribunal members for this review are:

Dr Paul Paterson, Chair

Mr Ed Willett

Ms Deborah Cope

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

Anthony Rush (02) 9113 7790

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Preliminary

1 Application of this determination

1.1 This determination applies to bulk water transfers between Hunter Water and Central Coast Council

This determination fixes maximum prices for bulk water transfers between Hunter Water and Central Coast Council. This determination applies to both Hunter Water and Central Coast Council.

1.2 Bulk water transfers the subject of a Negotiated Services Agreement are excluded from the scope of this determination

This determination does not apply to bulk water transfers provided pursuant to a Negotiated Services Agreement.

2 Commencement and term of this determination

- (a) This determination commences on the later of:
 - (1) 1 July 2019; 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 2022. The maximum prices under this determination prevailing at 30 June 2022 continue to apply beyond 30 June 2022 until this determination is revoked or replaced.

3 Replacement of other determinations

This determination replaces the following parts of determinations:

- (a) clause 10 of Schedule 1 to the 2013 Gosford Determination;
- (b) clause 10 of Schedule 1 to the 2013 Wyong Determination; and
- (c) Schedule 6 to the 2016 Hunter Water Determination.

4 Pricing schedule

The maximum price that Hunter Water and Central Coast Council each may charge the other for bulk water transfers is set out in Schedule 1.

5 Legislative background

5.1 IPART may set maximum prices for government monopoly services supplied by specified government agencies

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.

5.2 Bulk water transfers between Hunter Water and Central Coast Council are government monopoly services

Bulk water transfers between Hunter Water and Central Coast Council are government monopoly services because they are water supply services that fall within the scope of the Order.

5.3 Hunter Water and Central Coast Council are specified in Schedule 1 to the IPART Act

IPART has a standing reference to set maximum prices for Hunter Water and Central Coast Council because Schedule 1 to the IPART Act specifies:

- (a) Hunter Water; and
- (b) Water Supply Authorities, and Central Coast Council is a Water Supply Authority.

[Note: Schedule 3 to the Water Management Act lists 'Gosford City Council' and 'Wyong Council' as Water Supply Authorities. Under clause 6 of the 2016 Proclamation, these references are taken to be a reference to Central Coast Council.]

Schedule 1 Bulk water transfers between Hunter Water and Central Coast Council

1 Bulk water transfers between Hunter Water and Central Coast Council

The maximum price that either Hunter Water or Central Coast Council may charge the other for the transfer of bulk water is the price set out in the table below for the applicable Period.

Table 1 Bulk water transfer price

	1 July 2019 to 30 June 2020 (\$ per kL)	1 July 2020 to 30 June 2021 (\$ per kL)	1 July 2021 to 30 June 2022 (\$ per kL)
Bulk water transfer price	0.70	0.70 x CP ₁	0.70 x CP ₂

Schedule 2 Definitions and Interpretation

1 Definitions

1.1 General definitions

In this determination:

2013 Gosford Determination means IPART's determination No. 2 of 2013 entitled 'Gosford City Council Prices - 1 July 2013 to June 2017' published in New South Wales, *Gazette*, No 73, 21 June 2013, 2763.

2013 Wyong Determination means IPART's determination No. 3 of 2013 entitled 'Wyong Shire Council prices - 1 July 2013 to 30 June 2017' published in New South Wales, *Gazette*, No 73, 21 June 2013, 2818.

2016 Hunter Water Determination means IPART's determination No. 4 of 2016 entitled 'Hunter Water Corporation - Maximum prices for water, sewerage, stormwater drainage and other services from 1 July 2016' published in New South Wales, *Gazette*, No 53, 24 June 2016, 1592.

2016 Proclamation means the *Local Government (Council Amalgamations) Proclamation 2016* (NSW).

Central Coast Council means the council by that name under the *Local Government Act 1993* (NSW).

[Note: The former Gosford City Council and Wyong Shire Council were amalgamated to form Central Coast Council in 2016.]

Commencement Date is defined in clause 2(a) of the Preliminary section of this determination.

Hunter Water means the Hunter Water Corporation constituted under the *Hunter Water Act 1991* (NSW).

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).

Negotiated Services Agreement means a written agreement between Hunter Water and Central Coast Council, a copy of which is provided to IPART jointly by those agencies, under which one or both of those agencies agrees to provide bulk water

transfers to the other at prices that are not the maximum prices set out in this determination.

Order means the *Independent Pricing and Regulatory Tribunal (Water; Sewerage and Drainage Services) Order 1997* published in New South Wales, *Gazette*, No 18, 14 February 1997, 558.

Period means, as the case may be:

- (a) 1 July 2019 to 30 June 2020;
- (b) 1 July 2020 to 30 June 2021; or
- (c) 1 July 2021 to 30 June 2022.

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

Water Supply Authority has the meaning given to that term under the Water Management Act.

1.2 Consumer Price Index

- (a) 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) The maximum prices in this determination are to be adjusted for inflation by multiplying the specified price by the specified CPI multiplier:
 - (1) CPI_1 ; or
 - (2) CPI_2 .
- (c) In this determination:

$$CPI_1 = \frac{CPI_{March2020}}{CPI_{March2019}}$$

$$CPI_2 = \frac{CPI_{March2021}}{CPI_{March2019}}$$

Where:

$CPI_{March2019}$ means CPI for the March quarter of 2019;

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

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

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 or table is a reference to a schedule to, clause of, 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 importing the singular include the plural and vice versa;
- (e) a reference to a law or statute includes regulations, rules, codes and other instruments (including licences) under it and consolidations, amendments, reenactments or replacements of them or of the law or statute itself;
- (f) where a word is defined, other grammatical forms of that word 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, substitutes (including, but not limited to, persons taking by novation), replacements and assigns; and
- (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.

2.2 Explanatory notes and clarification notices

- (a) Explanatory notes 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

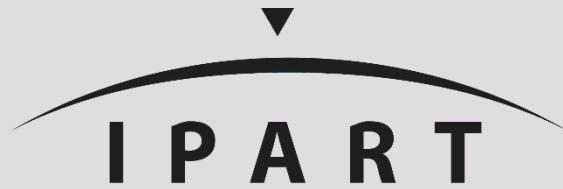
- (a) Maximum prices set out in this determination do not include GST.

- (b) For the avoidance of doubt, where GST is lawfully applied to maximum prices set out in 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.

(n2019-1890)



Independent Pricing and Regulatory Tribunal
New South Wales

Water NSW

Prices for water transportation services provided by the Murray River to
Broken Hill Pipeline from 1 July 2019

Final Determination

Determination

May 2019

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Tribunal Members

The Tribunal members for this review are:

Dr Paul Paterson, Chair

Mr Ed Willett

Ms Deborah Cope

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Preliminary

1 Application of this determination

1.1 This determination sets maximum prices for the Pipeline Service

Under sections 11 and 13A of the IPART Act, this determination fixes the maximum prices that Water NSW may charge for the Pipeline Service.

1.2 Exclusions from this determination

- (a) This determination does not apply to a Pipeline Service provided pursuant to a Negotiated Services Agreement.
- (b) The Suspension Services are not part of the Pipeline Service for the purposes of this determination.

[**Note:** IPART has deferred the determination of the pricing of the Suspension Services.]

1.3 Term of this determination

- (a) This determination commences on 1 July 2019, or the date that it is published in the NSW Government Gazette, whichever is later (**Commencement Date**).
- (b) The maximum prices under this determination apply from the Commencement Date to 30 June 2022. The maximum prices under this determination prevailing at 30 June 2022 continue to apply beyond 30 June 2022 until this determination is replaced.

2 Pricing Schedules

- (a) The maximum price that Water NSW may charge for supplying the Pipeline Service to Essential Energy is set out in Schedule 1 and the tables in that Schedule.
- (b) The maximum price that Water NSW may charge for supplying the Pipeline Service to Non-EE Customers is set out in Schedule 2 and the tables in that Schedule.

3 Legislative Background

3.1 IPART may determine prices for government monopoly services supplied by specified government agencies

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.

3.2 The Pipeline Service is a government monopoly service

The Pipeline Service is a government monopoly service because it falls within the scope of the *Independent Pricing and Regulatory Tribunal (Water Services) Order 2004 (Order)*.

[Note: On 1 January 2015, the State Water Corporation was continued in existence as a corporation constituted by the Water NSW Act but with the new name of Water NSW. References to the former State Water Corporation in the Order are to be read as references to Water NSW, in accordance with clause 24 of Schedule 2 of the Water NSW Act.]

3.3 Water NSW is specified in Schedule 1 to the IPART Act

IPART has a standing reference to set maximum prices for Water NSW because Schedule 1 to the IPART Act specifies Water NSW.

Schedule 1 Maximum Prices for Essential Energy

1 Application

- (a) This Schedule sets out the maximum price that Water NSW may charge for supplying the Pipeline Service to Essential Energy.
- (b) The maximum price that Water NSW may charge is the sum of the following:
- (1) the applicable access charge under clause 2; and
 - (2) the applicable usage charge calculated under clause 3.

2 Access charge

The access charge for the applicable Period is specified in Table 1.1.

Table 1.1 Access charge

1 July 2019 to 30 June 2020 (\$/day)	1 July 2020 to 30 June 2021 (\$/day)	1 July 2021 to 30 June 2022 (\$/day)
64,953.68	$65,131.64 \times \text{CPI}_1$	$65,131.64 \times \text{CPI}_2$

3 Usage charge

The usage charge is to be calculated by multiplying the usage rate for the applicable Period in Table 1.2 by the number of megalitres of water measured by the Meter for that Period.

Table 1.2 Usage rate

1 July 2019 to 30 June 2020 (\$/ML)	1 July 2020 to 30 June 2021 (\$/ML)	1 July 2021 to 30 June 2022 (\$/ML)
209.43	$211.78 \times \text{CPI}_1$	$205.73 \times \text{CPI}_2$

Schedule 2 Maximum Prices for Non-EE Customers

1 Application

- (a) This Schedule sets out the maximum price that Water NSW may charge for supplying the Pipeline Service to Non-EE Customers.
- (b) The maximum price that Water NSW may charge a Non-EE Customer is the sum of the following:
- (1) the applicable access charge under clause 2; and
 - (2) the applicable usage charge calculated under clause 3.

2 Access charge

The access charge is to be calculated by multiplying the access charge for the applicable Period in Table 2.1 by the Non-EE Customer's Number of Offtakes.

Table 2.1 Access charge

1 July 2019 to 30 June 2020 (\$/day)	1 July 2020 to 30 June 2021 (\$/day)	1 July 2021 to 30 June 2022 (\$/day)
20.06	$20.12 \times \text{CPI}_1$	$20.12 \times \text{CPI}_2$

3 Usage charge

The usage charge is to be calculated by multiplying the usage rate for the applicable Period in Table 2.2 by the number of kilolitres of water supplied to the Non-EE Customer for that Period.

Table 2.2 Usage rate

1 July 2019 to 30 June 2020 (\$/kL)	1 July 2020 to 30 June 2021 (\$/kL)	1 July 2021 to 30 June 2022 (\$/kL)
0.20943	$0.21178 \times \text{CPI}_1$	$0.20573 \times \text{CPI}_2$

Schedule 3 Definitions and Interpretation

1 Definitions

1.1 General definitions

In this determination:

Commencement Date is defined in clause 1.3(a) of the Preliminary section of this determination.

Essential Energy means the corporation established under the *Energy Services Corporations Act 1995* (NSW).

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).

Meter means the meter located at or about the Broken Hill delivery point outside Water NSW's bulk water storage facility.

Minister means the Minister responsible for administering the IPART Act.

Multiple-Customer Offtake means an Offtake to which more than one customer has access.

Multiple-Customer Offtake Value means, in respect of a Multiple-Customer Offtake, one divided by the number of customers who have access to that Multiple-Customer Offtake.

[**Note:** For example, for a Multiple-Customer Offtake to which two customers have access, the Multiple-Customer Offtake Value would be $\frac{1}{2}$.]

Negotiated Services Agreement means a written agreement between Water NSW and a Non-EE Customer, a copy of which is provided to IPART by Water NSW:

- (a) under which Water NSW agrees to supply the Pipeline Service to the Non-EE Customer at prices that are not the maximum prices set out in Schedule 2 of this determination for the Pipeline Service; and
- (b) which is entered into after the Commencement Date.

Non-EE Customer means a customer other than Essential Energy.

Number of Offtakes means, in respect of a Non-EE Customer, the sum of:

- (a) the total number of Single-Customer Offtakes to which the Non-EE Customer has access; and
- (b) the sum of all the Multiple-Customer Offtake Values for each Multiple-Customer Offtake to which the Non-EE Customer has access.

Offtake means an outlet from the Pipeline through which one or more Non-EE Customers may be supplied water from the Pipeline.

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

Period means:

- (a) 1 July 2019 to 30 June 2020;
- (b) 1 July 2020 to 30 June 2021; or
- (c) 1 July 2021 to 30 June 2022.

Pipeline means the pipeline that:

- (a) transports water from the Murray River at Wentworth to Water NSW's bulk water storage facility near Broken Hill; and
- (b) is operated by, or on behalf of, Water NSW.

Pipeline Service means the services involved in the supplying of water by means of, or in connection with, the Pipeline to Essential Energy and Non-EE Customers.

Restart Service means the services involved in recommencing the Pipeline Service after a Shutdown Service at Essential Energy's written request.

Shutdown Service means the services involved in suspending the Pipeline Service at Essential Energy's written request.

Single-Customer Offtake means an Offtake to which only one customer has access.

Standby Service means the services involved in making the Pipeline available for the Restart Service.

Suspension Services means the Shutdown Service, the Restart Service and the Standby Service.

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

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

1.2 Consumer Price Index

- (a) 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)

$$CPI_1 = \left(\frac{CPI_{\text{March2020}}}{CPI_{\text{March2019}}} \right)$$

$$CPI_2 = \left(\frac{CPI_{\text{March2021}}}{CPI_{\text{March2019}}} \right)$$

(c) The subtext (for example March2019) when used in relation to the CPI in paragraph 1.2(b) above refers to the CPI for the quarter and year indicated (in the example, the March quarter for 2019).

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 or table is a reference to a schedule to, clause of or table in, this determination unless otherwise indicated;
- (c) a construction that would promote the 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 importing the singular include the plural and vice versa;
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- (f) where a word is defined, other grammatical forms of that word have a corresponding meaning;
- (g) a reference to a day is to a calendar day;
- (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, substitutes (including, but not limited to persons taking by novation), replacements and assigns; and
- (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.

2.2 Explanatory notes, simplified outlines, examples and clarification notices

- (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

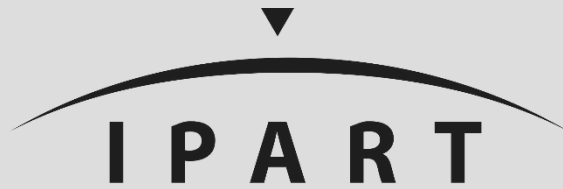
Maximum prices set out in this determination do not include GST.

For the avoidance of doubt, where GST is lawfully applied to maximum prices set out in 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.

(n2019-1891)



Independent Pricing and Regulatory Tribunal
New South Wales

Essential Energy's prices for water and sewerage services in Broken Hill

From 1 July 2019 to 30 June 2022

Final Determination

May 2019

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The Independent Pricing and Regulatory Tribunal (IPART)

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Preliminary

1 Scope of this determination

This determination fixes the maximum prices that Essential Energy may charge for the following services:

- (a) Water Supply Services;
- (b) Sewerage Services;
- (c) Trade Waste Services; and
- (d) Ancillary and Miscellaneous Customer Services,
(together, the **Monopoly Services**).

2 Commencement and term of this determination

- (a) This determination commences on the later of:
 - (1) 1 July 2019; 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 2022. The maximum prices under this determination prevailing at 30 June 2022 continue to apply beyond 30 June 2022 until this determination is revoked or replaced.

3 Replacement of an earlier determination

This determination replaces Determination No. 1 of 2014 – Essential Energy’s water and sewerage services in Broken Hill.

4 Pricing Schedules

The schedules listed in Table P.1 set out the maximum prices that Essential Energy may charge for supplying the Monopoly Services.

Table P.1 Pricing schedules

Schedule	Monopoly Services to which the schedule applies
Schedule 1	Water Supply Services
Schedule 2	Sewerage Services
Schedule 3	Trade Waste Services
Schedule 4	Ancillary and Miscellaneous Customer Services

5 Legislative background

5.1 IPART may set maximum prices for government monopoly services supplied by specified government agencies

Section 11(1)(a) of the IPART Act provides IPART with a standing reference for the determination of the pricing for a government monopoly service supplied by a government agency specified in Schedule 1 to the IPART Act.

5.2 The Monopoly Services are government monopoly services

- (a) The Monopoly Services are government monopoly services because they fall within the scope of the Order.
- (b) The Order applies to Essential Energy by operation of section 53(1)(b) of the *Interpretation Act 1987* (NSW). In March 2011, Country Energy changed its name to Essential Energy under the *Energy Services Corporations Amendment (Change of Name) Regulation 2011*.

5.3 Essential Energy is specified in Schedule 1 to the IPART Act

IPART has a standing reference to set maximum prices for Essential Energy because Schedule 1 to the IPART Act specifies that Essential Energy is a government agency.

5.4 IPART has set methodologies to fix maximum prices for certain services

This determination fixes the maximum price for some services and sets a methodology for fixing the maximum price for other services. IPART's reasons for setting a methodology for fixing some maximum prices are set out in Schedule 5.

6 Simplified outline

- (a) The following is a simplified outline of where to locate the maximum prices for:
 - (1) Water Supply Services; and
 - (2) Sewerage Services.

- (b) The simplified outline has been included for guidance purposes only and does not form part of this determination.

Water charges (Schedule 1)

Property type	Water service charge	Water usage charge (Treated Water/ Untreated Water/ Chlorinated Water)
Residential Properties (Individual Meter or Common Meter)		
All Metered Residential Properties (Residential Properties with a single Individual Meter or multiple Individual Meters)	Table 1	Table 4
Residential Properties in Residential Multi-Premises or Residential Properties within Mixed Multi-Premises with one or more Common Meters	Table 1	Table 4 ^a
Metered Non-Residential Properties (including in a Multi-Premises or Mixed Multi-Premises)		
20mm Meter (single Individual Meter)	Table 1	Table 4
With a single Individual Meter of greater than 20mm, or multiple Individual Meters of any size	Table 2	Table 4
Non-Residential Multi-Premises with one or more Common Meters/ Non-Residential Properties in Mixed Multi-Premises with one or more Common Meters		
Non-Residential Multi-Premises with one or more Common Meters	Table 2 ^a	Table 4 ^a
Non-Residential Properties in Mixed Multi-Premises with one or more Common Meters	Table 1	Table 4 ^a
Mining Customer Properties		
Mining Customer Properties owned by Perilya Broken Hill Ltd and CBH Resources Ltd	Table 3	Table 4
Mining Customer Properties owned by New Mining Customers	Table 2	Table 4
Other		
Unmetered Properties (Residential or Non-Residential)	Table 1	Table 4 (based on a deemed consumption of 300kL of Treated Water, Chlorinated Water and/or Untreated Water – whichever is available to the Property – per year)
Unconnected Properties	N/A	N/A
Exempt Land	N/A	Table 4
Pipeline Properties with a single Individual Meter of 20mm	Table 1	Table 4
Pipeline Properties with a single Individual Meter greater than 20mm, or multiple Individual Meters of any size	Table 2	Table 4

Note: ^a For Multi-Premises that are served by one or more Common Meters, Essential Energy may choose to divide the water service charge (for Non-Residential Multi-Premises) and water usage charge among the Properties within the Multi-Premises (for example, based on unit entitlement, or the number of properties within the Multi-Premises), or it may send the bill to the body corporate.

Sewerage charges (Schedule 2)

Property type	Sewerage service charge	Sewerage usage charge
Residential Properties (Individual Meter or Common Meter)		
All Metered Residential Properties	Table 5	N/A
Non-Residential Properties		
Metered Non-Residential Properties (other than Mining Customer Properties)	Table 6 x DF ^b	Table 7
Mining Customer Properties with a single Individual Meter, or multiple Individual Meters	Table 6, applying a 100% DF ^b	Table 7
Non-Residential Multi-Premises with one or more Common Meters / Non-Residential Properties in Mixed Multi-Premises with one or more Common Meters		
Non-Residential Multi-Premises with one or more Common Meters ^c	Table 6 x DF ^{a, b}	Table 7 ^a
Non-Residential Properties in Mixed Multi-Premises with one or more Common Meters ^c	Table 5	N/A
Other		
Unmetered Properties (Residential or Non-Residential)	Table 5	N/A
Unconnected Properties	N/A	N/A
Exempt Land	N/A	Table 7

^a For a Non-Residential Multi-Premises that is served by one or more Common Meters, Essential Energy may choose to divide the sewerage service charge and the sewerage usage charge among the Properties within the Multi-Premises (for example, based on unit entitlement, or the number of properties within the Multi-Premises) or it may send the bill to the body corporate.

^b DF refers to Discharge Factor.

^c This does not apply where the Property within the Non-Residential Multi-Premises has an Individual Meter. In such case, the Property would be considered a Metered Non-Residential Property for charging purposes.

Schedule 1 Water Supply Services

1 Application

This Schedule sets out the maximum prices that Essential Energy may charge for Water Supply Services.

2 Metered Residential Properties

2.1 Application of this clause

This clause 2 applies to Metered Residential Properties that are connected to the Water Supply System.

2.2 Metered Residential Properties with a single Individual Meter, or multiple Individual Meters

The maximum price that Essential Energy may levy for supplying Water Supply Services to a Metered Residential Property to which this clause 2 applies, is the sum of:

- (a) the **water service charge** in Table 1 for the applicable period; and
- (b) the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (1) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (2) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.

3 Residential Property in a Residential Multi-Premises or Residential Property within a Mixed Multi-Premises with one or more Common Meters

3.1 Application of this clause

This clause 3 applies to Residential Properties which:

- (a) do not have a single Individual Meter, or multiple Individual Meters; and
- (b) are in a Residential Multi-Premises or within a Mixed Multi-Premises, where that Residential Multi-Premises or Mixed Multi-Premises:
 - (1) has one or more Common Meters; and
 - (2) is connected to the Water Supply System.

3.2 Residential Property in a Residential Multi-Premises or Residential Property within a Mixed Multi-Premises with one or more Common Meters

- (a) The maximum price that Essential Energy may levy for supplying Water Supply Services to a Residential Property to which this clause 3 applies, is the sum of:
- (1) the **water service charge** in Table 1 for the applicable period; and
 - (2) subject to clause 3.3, the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (A) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (B) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.
- (b) Essential Energy may bill the total of the water usage charges levied for the Residential Properties in a Multi-Premises in accordance with clause 3.2(a)(2) by:
- (1) dividing the total of the water usage charges among those Residential Properties (for example, based on unit entitlement or the number of Properties in the Multi-Premises); or
 - (2) billing the total of the water usage charges to the body corporate of the Multi-Premises (if applicable).

3.3 Maximum water usage charge for each Residential Property

For the purposes of clause 3.2, the water usage charge for each Residential Property that is in a Residential Multi-Premises or within a Mixed Multi-Premises, cannot exceed the total of the water usage charges calculated under clause 3.2(a)(2) for the Residential Multi-Premises or Mixed Multi-Premises (as the case may be).

4 Metered Non-Residential Properties (other than Pipeline Properties and Mining Customer Properties)

4.1 Application of this clause

This clause 4 applies to Metered Non-Residential Properties which:

- (a) are connected to the Water Supply System; and
- (b) are not Pipeline Properties or Mining Customer Properties.

4.2 Metered Non-Residential Properties with a single Individual Meter of 20mm

The maximum price that Essential Energy may levy for supplying Water Supply Services to a Metered Non-Residential Property to which this clause 4 applies, where that Property has a single Individual Meter of 20mm, is the sum of:

- (a) the **water service charge** in Table 1 for the applicable period; and

- (b) the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (1) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (2) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter.

4.3 Metered Non-Residential Properties with a single Individual Meter greater than 20mm, or multiple Individual Meters

The maximum price that Essential Energy may levy for supplying Water Supply Services to a Metered Non-Residential Property to which this clause 4 applies, where that Property has a single Individual Meter that is greater than 20mm, or multiple Individual Meters (of any size), is the sum of:

- (a) the **water service charge** in Table 2 for the applicable period and applicable Meter size for each Meter; and
- (b) the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (1) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (2) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.

5 Non-Residential Properties in a Multi-Premises with one or more Common Meters (other than Pipeline Properties or Mining Customer Properties)

5.1 Application of this clause

This clause 5 applies to Non-Residential Properties which:

- (a) do not have a single Individual Meter, or multiple Individual Meters;
- (b) are not Pipeline Properties or Mining Customer Properties; and
- (c) are in a Multi-Premises, where that Multi-Premises:
 - (1) has one or more Common Meters; and
 - (2) is connected to the Water Supply System.

5.2 Non-Residential Multi-Premises with one or more Common Meters

- (a) The maximum price that Essential Energy may levy for supplying Water Supply Services to a Non-Residential Multi-Premises consisting of Non-Residential Properties to which this clause 5 applies, is the sum of:
 - (1) the **water service charge** calculated as follows:

SC - IM

Where:

SC = the water service charge in Table 2 for the applicable period and applicable Meter size for each Common Meter; and

IM = the sum of any water service charges levied under clauses 4.2 and 4.3 in respect of each Property within that Multi-Premises with an Individual Meter that is downstream of a Common Meter that services the Multi-Premises; and

- (2) subject to clause 5.4, the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (A) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (B) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.
- (b) Essential Energy may bill the charges levied in accordance with clause 5.2(a) by:
 - (1) billing the water service charge and the total of the water usage charges to the body corporate of the Non-Residential Multi-Premises; or
 - (2) dividing the water service charge and the total of the water usage charges among the Non-Residential Properties within the Non-Residential Multi-Premises (for example, based on unit entitlement or the number of Properties in the Multi-Premises).

5.3 Non-Residential Property within a Mixed Multi-Premises with one or more Common Meters

- (a) The maximum price that Essential Energy may levy for supplying Water Supply Services to a Non-Residential Property to which this clause 5 applies and that is within a Mixed Multi-Premises, is the sum of:
 - (1) the **water service charge** in Table 1 for the applicable period; and
 - (2) subject to clauses 5.3(c) and 5.4, the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (A) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (B) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.
- (b) Essential Energy may bill the total of the water usage charges levied for the Non-Residential Properties in a Mixed Multi-Premises in accordance with clause 5.3(a)(2) by:
 - (1) dividing the total of the water usage charges among the Properties within the Mixed Multi-Premises (for example, based on unit entitlement or the number of Properties in the Multi-Premises); or
 - (2) billing the total of the water usage charges to the body corporate of the Mixed Multi-Premises (if applicable).

- (c) The total of all water usage charges billed by Essential Energy for a Mixed Multi-Premises must not exceed the water usage charge for water supplied to that Mixed Multi-Premises as measured by all Meters.

5.4 Calculation of total volume and usage charges

- (a) For the purposes of clauses 5.2 and 5.3, the total volume of water for Non-Residential Properties to which this clause 5 applies is calculated as follows for the relevant Meter Reading Period:
 - (1) the total volume of water for Non-Residential Properties measured by all Common Meters for the relevant Multi-Premises, less
 - (2) the total volume of water for Non-Residential Properties measured by any Individual Meters which are downstream of a Common Meter that services that Multi-Premises.
- (b) For the purposes of clauses 5.2 and 5.3, the total of the water usage charges for each Non-Residential Property that is within a Non-Residential Multi-Premises or Mixed Multi-Premises cannot exceed the total of the water usage charges for the water supplied to the Multi-Premises as measured by all Common Meters for that Multi-Premises.

6 Mining Customer Properties

6.1 Application of this clause

This clause 6 applies to Mining Customer Properties which:

- (a) are connected to the Water Supply System; and
- (b) have a single Individual Meter or multiple Individual Meters.

6.2 Mining Customer Properties owned by Perilya Broken Hill Ltd

The maximum price that Essential Energy may levy for supplying Water Supply Services to all Mining Customer Properties owned by Perilya Broken Hill Ltd, or on which Perilya Broken Hill Ltd carries out mining and exploration activities, is the sum of:

- (a) the **water service charge** in Table 3 for Perilya Broken Hill Ltd and the applicable period; and
- (b) the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (1) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (2) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.

6.3 Mining Customer Properties owned by CBH Resources Ltd

The maximum price that Essential Energy may levy for supplying Water Supply Services to all Mining Customer Properties owned by CBH Resources Ltd, or on which CBH Resources Ltd carries out mining and exploration activities, is the sum of:

- (a) the **water service charge** in Table 3 for CBH Resources Ltd and the applicable period; and
- (b) the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (1) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (2) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.

6.4 Mining Customer Property owned by a New Mining Customer

The maximum price that Essential Energy may levy for supplying Water Supply Services to a Mining Customer Property owned by a New Mining Customer, or on which a New Mining Customer carries out mining and exploration activities, is the sum of:

- (a) the **water service charge** in Table 2 for the applicable period and applicable Meter size for each Meter; and
- (b) the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (1) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (2) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.

7 Pipeline Properties

7.1 Application of this clause

This clause 7 applies to Pipeline Properties that:

- (a) are connected to the Water Supply System; and
- (b) have a single Individual Meter or multiple Individual Meters.

7.2 Pipeline Properties with a single Individual Meter of 20mm

The maximum price that Essential Energy may levy for supplying Water Supply Services to a Pipeline Property where that Property has a single Individual Meter of 20mm is the sum of:

- (a) the **water service charge** in Table 1 for the applicable period; and

- (b) the Untreated Water usage charge in Table 4 for the applicable period, multiplied by the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter.

7.3 Pipeline Properties with a single Individual Meter greater than 20mm, or multiple Individual Meters

The maximum price that Essential Energy may levy for supplying Water Supply Services to a Pipeline Property where that Property has a single Individual Meter that is greater than 20mm, or multiple Individual Meters (of any size) is the sum of:

- (a) the **water service charge** in Table 2 for the applicable period and applicable Meter size for each Meter; and
- (b) the Untreated Water for Pipeline Properties usage charge in Table 4 for the applicable period, multiplied by the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.

8 Unmetered Properties connected to the Water Supply System

The maximum price that Essential Energy may levy for supplying Water Supply Services to an Unmetered Property connected to the Water Supply System is the sum of:

- (a) the **water service charge** in Table 1 for the applicable period; and
- (b) the total of the **water usage charges** for each type of water supplied calculated by multiplying:
 - (1) the usage charge in Table 4 for the applicable period and type of water supplied; and
 - (2) the volume of water (in kL) supplied, which is taken to be 300kL for the applicable period.

9 Unconnected Properties

The maximum price that Essential Energy may levy for supplying water services to an Unconnected Property is zero.

10 Exempt Land

The maximum price that Essential Energy may levy for supplying Water Supply Services to Exempt Land is the total of the **water usage charges** for each type of water supplied calculated by multiplying:

- (a) the usage charge in Table 4 for the applicable period and type of water supplied; and

-
- (b) the volume of water (in kL) supplied during the relevant Meter Reading Period as measured by the Meter or Meters.

Tables 1 to 4

Table 1 Water service charges for (i) Metered Residential Properties; (ii) Residential Properties in a Residential Multi-Premises or Mixed Multi-Premises with one or more Common Meters; (iii) Metered Non-Residential Properties with a single Individual Meter of 20mm (other than Pipeline Property or Mining Customer Property) (iv) Non-Residential Properties within Mixed Multi-Premises with one or more Common Meters; (v) Pipeline Properties with a single Individual Meter of 20mm; and (vi) Unmetered Properties (Residential and Non-Residential)

	1 July 2019 to 30 June 2020 (\$ per year)	1 July 2020 to 30 June 2021 (\$ per year)	1 July 2021 to 30 June 2022 (\$ per year)
Water service charge	331.94	331.94 x CPI1	331.94 x CPI2

Table 2 Water service charges for (i) Metered Non-Residential Properties with a single Individual Meter greater than 20mm, or multiple Individual Meters of any size (other than Pipeline Property or Mining Customer Property); (ii) Non-Residential Multi-Premises with one or more Common Meters; (iii) New Mining Customer Properties; and (iv) Pipeline Properties with an Individual Meter greater than 20mm, or multiple Individual Meters of any size

Meter size	1 July 2019 to 30 June 2020 (\$ per year)	1 July 2020 to 30 June 2021 (\$ per year)	1 July 2021 to 30 June 2022 (\$ per year)
20mm	331.94	331.94 x CPI1	331.94 x CPI2
25mm	518.66	518.66 x CPI1	518.66 x CPI2
40mm	1,327.76	1,327.76 x CPI1	1,327.76 x CPI2
50mm	2,074.62	2,074.62 x CPI1	2,074.62 x CPI2
80mm	5,311.04	5,311.04 x CPI1	5,311.04 x CPI2
100mm	8,298.50	8,298.50 x CPI1	8,298.50 x CPI2
150mm	18,671.62	18,671.62 x CPI1	18,671.62 x CPI2
For Meter sizes not specified above, this formula applies to each Meter:	$\frac{(\text{Meter size})^2 \times (\text{20mm water service charge for the applicable period})}{400}$		

Table 3 Water service charges for Mining Customer Properties of Perilya Broken Hill Ltd and CBH Resources Ltd

	1 July 2019 to 30 June 2020 (\$ per year)	1 July 2020 to 30 June 2021 (\$ per year)	1 July 2021 to 30 June 2022 (\$ per year)
Perilya Broken Hill Ltd	2,331,466	2,331,466 x CPI1	2,331,466 x CPI2
CBH Resources Ltd	562,383	562,383 x CPI1	562,383 x CPI2

Table 4 Water usage charges

	1 July 2019 to 30 June 2020 (\$ per kL)	1 July 2020 to 30 June 2021 (\$ per kL)	1 July 2021 to 30 June 2022 (\$ per kL)
Treated Water	1.82	1.82 x CPI1	1.82 x CPI2
Chlorinated Water	1.24	1.30 x CPI1	1.36 x CPI2
Untreated Water for Residential Properties	1.60	1.60 x CPI1	1.60 x CPI2
Untreated Water for Pipeline Properties	0.87	0.95 x CPI1	1.03 x CPI2
Untreated Water for Non-Residential Properties	1.60	1.60 x CPI1	1.60 x CPI2

Schedule 2 Sewerage Services

1 Application

This Schedule sets out the maximum prices that Essential Energy may charge for Sewerage Services.

2 Residential Properties

2.1 Residential Property connected to the Sewerage System

The maximum price that Essential Energy may levy for supplying Sewerage Services to a Residential Property connected to the Sewerage System is the sewerage service charge in Table 5 for the applicable period.

3 Metered Non-Residential Properties

3.1 Application of this clause

This clause 3 applies to Metered Non-Residential Properties that are connected to the Sewerage System.

3.2 Metered Non-Residential Property (other than a Mining Customer Property)

The maximum price that Essential Energy may levy for supplying Sewerage Services to a Non-Residential Property (other than a Mining Customer Property) to which this clause 3 applies, is the sum of:

- (a) a **sewerage service charge** calculated as follows:

$$SC \times DF$$

Where:

SC = the total applicable sewerage service charges in Table 6 for the applicable period and applicable Meter size for each Meter; and

DF = the Discharge Factor for that Property; and

- (b) the **sewerage usage charge** calculated in accordance with clause 5.1.

3.3 Mining Customer Property with a single Individual Meter or multiple Individual Meters

The maximum price that Essential Energy may levy for supplying Sewerage Services to a Non-Residential Property which is a Mining Customer Property and to which this clause 3 applies, is the sum of:

- (a) the **sewerage service charge** in Table 6 for a 100mm Meter for the applicable period; and
- (b) the **sewerage usage charge** calculated in accordance with clause 5.1.

[Note: The sewerage service charge for a Mining Customer Property is to be multiplied by a Discharge Factor of 100%.]

4 Non-Residential Properties in a Multi-Premises with one or more Common Meters

4.1 Application of this clause

This clause 4 applies to Non-Residential Properties which:

- (a) do not have a single Individual Meter or multiple Individual Meters; and
- (b) are in a Multi-Premises, where that Multi-Premises:
 - (1) has one or more Common Meters; and
 - (2) is connected to the Sewerage System.

4.2 Non-Residential Multi-Premises with one or more Common Meters

- (a) The maximum price that Essential Energy may levy for supplying Sewerage Services to a Non-Residential Multi-Premises to which this clause 4 applies, is the sum of:

- (1) a **sewerage service charge** calculated as follows:

$$SC \times DF$$

Where:

SC = the total applicable sewerage service charges in Table 6 for the applicable period and applicable Meter size for each Meter; and

DF = the Discharge Factor for the Multi-Premises; and

- (2) the **sewerage usage charge** calculated in accordance with clause 5.2.
- (b) Essential Energy may levy the sewerage service charge calculated under clause 4.2(a)(1) by:
 - (1) dividing the sewerage service charge among the Non-Residential Properties within the Non-Residential Multi-Premises (for example, based on unit entitlement or the number of Properties in the Multi-Premises); or

- (2) billing the sewerage service charge to the body corporate of the Non-Residential Multi-Premises (if applicable).

4.3 Non-Residential Properties within a Mixed Multi-Premises with one or more Common Meters

The maximum price that Essential Energy may levy for supplying Sewerage Services to a Non-Residential Property within a Mixed Multi-Premises to which this clause 4 applies within a Mixed Multi-Premises is the sewerage service charge in Table 5 for the applicable period.

5 Sewerage usage charges

5.1 Metered Non-Residential Property (with one or more Individual Meters) or Exempt Land

The maximum sewerage usage charge that Essential Energy may levy for a Meter Reading Period for supplying Sewerage Services to:

- (a) a Metered Non-Residential Property which has one or more Individual Meters; or
- (b) Exempt Land,

is calculated as follows:

$$(W \times DF) \times UC$$

Where:

W = the water (Treated Water, Chlorinated Water and Untreated Water, as applicable) used (in kL) by that Non-Residential Property or Exempt Land for the Meter Reading Period as measured by the Meter or Meters;

DF = the Discharge Factor for that Metered Non-Residential Property or Exempt Land; and

UC = the sewerage usage charge in Table 7 for the Meter Reading Period corresponding to the applicable period.

5.2 Non-Residential Multi-Premises with one or more Common Meters

- (a) The maximum sewerage usage charge that Essential Energy may levy for a Meter Reading Period for supplying Sewerage Services to a Non-Residential Multi-Premises with one or more Common Meters is calculated as follows:

$$((W - IM) \times DF) \times UC$$

Where:

W = the total volume of water (Treated Water, Chlorinated Water and Untreated Water, as applicable) used (in kL) for the Meter Reading Period as measured by all Common Meters for that Multi-Premises;

IM = the total volume of water (Treated Water, Chlorinated Water and Untreated Water, as applicable) used (in kL) for the Meter Reading Period as measured by any Individual Meters servicing Properties in that Multi-Premises, where those Individual Meters are downstream of any Common Meters for that Multi-Premises;

DF = the Discharge Factor for that Multi-Premises; and

UC = the sewerage usage charge in Table 7 for the Meter Reading Period corresponding to the applicable period.

- (b) Essential Energy may levy the sewerage usage charge calculated under clause 5.2(a) by:
- (1) dividing the sewerage usage charge among the Non-Residential Properties within the Non-Residential Multi-Premises (for example, based on unit entitlement or the number of Properties in the Multi-Premises); or
 - (2) billing the sewerage usage charge to the body corporate of the Non-Residential Multi-Premises (if applicable).

6 Unmetered Properties connected to the Sewerage Supply System

The maximum price that Essential Energy may levy for supplying Sewerage Services to an Unmetered Property that is connected to the Sewerage System is the sewerage service charge in Table 5 for the applicable period.

7 Unconnected Properties

The maximum price that Essential Energy may levy for supplying Sewerage Services to an Unconnected Property is zero.

8 Exempt Land

The maximum price that Essential Energy may levy for supplying Sewerage Services to Exempt Land is the sewerage usage charge calculated in accordance with clause 5.1.

Tables 5 to 7

Table 5 Sewerage service charge for (i) Residential Properties; (ii) Non-Residential Properties within Mixed Multi-Premises with one or more Common Meters and (iii) Unmetered Properties

	1 July 2019 to 30 June 2020 (\$ per year)	1 July 2020 to 30 June 2021 (\$ per year)	1 July 2021 to 30 June 2022 (\$ per year)
Sewerage service charge	528.87	528.87 x CPI1	528.87 x CPI2
Includes deemed usage component	116.70	116.70 x CPI1	116.70 x CPI2

[Note: The deemed usage component is a component of, and not additional to, the sewerage service charge.]

Table 6 Sewerage service charges for (i) Non-Residential Properties (other than a Mining Customer Property); (ii) Mining Customer Property with Individual Meters (of any size) and (iii) Non-Residential Properties in a Multi-Premises with one or more Common Meters

Meter size	1 July 2019 to 30 June 2020 (\$ per year)	1 July 2020 to 30 June 2021 (\$ per year)	1 July 2021 to 30 June 2022 (\$ per year)
20mm	588.81	588.81 x CPI1	588.81 x CPI2
25mm	920.01	920.01 x CPI1	920.01 x CPI2
40mm	2,355.24	2,355.24 x CPI1	2,355.24 x CPI2
50mm	3,680.06	3,680.06 x CPI1	3,680.06 x CPI2
80mm	9,420.94	9,420.94 x CPI1	9,420.94 x CPI2
100mm	14,720.23	14,720.23 x CPI1	14,720.23 x CPI2
150mm	33,120.51	33,120.51 x CPI1	33,120.51 x CPI2
For Meter sizes not specified above, this formula applies to each Meter:	$\frac{(\text{Meter size})^2 \times (\text{20mm sewerage service charge for the applicable period})}{400}$		

[Note: The prices in Table 6 assume the application of a Discharge Factor of 100%. The relevant Discharge Factor may vary from case to case, as determined by Essential Energy for the relevant Property.]

Table 7 Sewerage usage charge for (i) Non-Residential Properties; and (ii) Exempt Land

	1 July 2019 to 30 June 2020 (\$ per kL)	1 July 2020 to 30 June 2021 (\$ per kL)	1 July 2021 to 30 June 2022 (\$ per kL)
Sewerage usage charge	1.30	1.30 x CPI1	1.30 x CPI2

Schedule 3 Trade Waste Services

1 Application

This schedule sets out the maximum prices that Essential Energy may charge for Trade Waste Services.

2 Categories for pricing purposes

Maximum prices for Trade Waste Services have been determined for four categories:

- (a) Category 1 Trade Waste Discharge;
- (b) Category 1a Trade Waste Discharge;
- (c) Category 2 Trade Waste Discharge; and
- (d) Category 3 Trade Waste Discharge.

3 Category 1 Trade Waste Discharge

The maximum price that Essential Energy may levy for Category 1 Trade Waste Discharge is calculated as follows:

$$TW1 = C1 + A1 + T1 + (U \times V)$$

Where:

TW1 = maximum price for Category 1 Trade Waste Discharge;

C1 = applicable annual Trade Waste fee for the relevant period;

A1 = Trade Waste discharge application fee for the relevant period (if applicable);

T1 = Trade Waste re-inspection fees for the relevant period (if applicable);
and

U = applicable Trade Waste usage charge for the relevant period,

each as set out in Tables 8 and 9 and as varied by clause 7; and

V = Volume of Liquid Trade Waste discharged to the Sewerage System.

4 Category 1a Trade Waste Discharge

The maximum price that Essential Energy may levy for Category 1a Trade Waste Discharge is calculated as follows:

$$TW1a = C1a + A1a + T1a + TN1a + (U \times V)$$

Where:

TW1a = maximum price for Category 1a Trade Waste Discharge;

C1a = applicable annual Trade Waste fee for the relevant period;

A1a = Trade Waste discharge application fee for the relevant period (if applicable);

T1a = Trade Waste re-inspection fees for the relevant period (if applicable);

TN1a = total non-compliant Trade Waste usage charges for the relevant period (if applicable); and

U = applicable Trade Waste usage charge for the relevant period,

each as set out in Tables 8 and 9 and as varied by clause 7; and

V = Volume of Liquid Trade Waste discharged to the Sewerage System.

5 Category 2 Trade Waste Discharge

The maximum price that Essential Energy may levy for Category 2 Trade Waste Discharge is calculated as follows:

$$TW2 = C2 + A2 + T2 + TN2 + (FWD \times B) + (U \times V)$$

Where:

TW2 = maximum price for Category 2 Trade Waste Discharge;

C2 = applicable annual Trade Waste fee for the relevant period;

A2 = Trade Waste discharge application fee for the relevant period (if applicable);

T2 = Trade Waste re-inspection fees for the relevant period (if applicable);

TN2 = total non-compliant Trade Waste usage charges for the relevant period (if applicable);

FWD = annual food waste disposal charge for the relevant period; and

U = applicable Trade Waste usage charge for the relevant period,

each as set out in Tables 8 and 9 and as varied by clause 7; and

B = number of beds in the hospital, nursing home or other facility in which the food waste disposal unit is installed; and

V = Volume of Liquid Trade Waste discharged to the Sewerage System.

6 Category 3 Trade Waste Discharge

The maximum price that Essential Energy may levy for Category 3 Trade Waste Discharge is calculated as follows:

$$TW3 = C3 + A3 + T3 + MN + PH + BOD + M$$

Where:

TW3 = maximum price for Category 3 Trade Waste Discharge;

C3 = applicable annual Trade Waste fee for the relevant period;

A3 = Trade Waste discharge application fee for the relevant period (if applicable); and

T3 = Trade Waste re-inspection fees for the relevant period (if applicable),

each as set out in Table 8 and as varied by clause 7; and

MN = total non-compliant excess mass charges (if applicable);

PH = total charges for exceeding approved pH range (if applicable);

BOD = total charges for exceeding approved biochemical oxygen demand range (if applicable); and

M = total applicable excess mass based charges,

each as set out in Tables 9 or 10, and calculated in accordance with Essential Water's Trade Waste Policy for the relevant period.

7 Escalation for CPI increase

The maximum price in Table 8 is to be increased for the following periods as follows:

- (a) from **1 July 2020 to 30 June 2021** - the corresponding charge is to be multiplied by CPI₁; and
- (b) from **1 July 2021 to 30 June 2022** - the corresponding charge is to be multiplied by CPI₂.

Tables 8 to 10

Table 8 Fixed Trade Waste Charges for categories 1, 1a, 2 and 3

Description of charge	1 July 2019 to 30 June 2020 (\$ per year)
Annual Trade Waste fee for Category 1 Trade Waste Discharge (does not apply to a Mining Customer)	97.25
Annual Trade Waste fee for Category 1a Trade Waste Discharge (does not apply to a Mining Customer)	97.25
Annual Trade Waste fee for Category 2 Trade Waste Discharge (does not apply to a Mining Customer)	195.51
Annual Trade Waste fee for Category 3 Trade Waste Discharge (does not apply to a Mining Customer)	654.40
Annual Trade Waste fee per operating mine which discharges Trade Waste (applies to a Mining Customer)	1,629.92
Trade Waste discharge application fee	240.08
Trade Waste re-inspection fee	89.14
Annual food waste disposal charge	30.39

Table 9 Variable Trade Waste Charges for all discharges

Description of charge	1 July 2019 to 30 June 2020	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022
Trade Waste usage charge for Categories 1, 1a and 2 Trade Waste Discharge (\$ per kL)	0.18	0.36 x CPI1	0.55 x CPI2
Non-compliant Trade Waste usage charge for Category 1a Trade Waste Discharge (\$ per kL)	0.21	0.42 x CPI1	0.62 x CPI2
Non-compliant Trade Waste usage charge for Category 2 Trade Waste Discharge (\$ per kL)	1.91	3.81 x CPI1	5.72 x CPI2
Non-compliant excess mass charge for Category 3 Trade Waste Discharge	As per Essential Water's Trade Waste Policy		
Charge for exceeding approved pH range for Category 3 Trade Waste Discharge	As per Essential Water's Trade Waste Policy		
Charge for exceeding approved BOD range for Category 3 Trade Waste Discharge	As per Essential Water's Trade Waste Policy		

Table 10 Excess Mass Based Charges

Charge	1 July 2019 to 30 June 2020 (\$ per kg)	1 July 2020 to 30 June 2021 (\$ per kg)	1 July 2021 to 30 June 2022 (\$ per kg)
Acid demand, pH>10	0.09	0.19 x CPI1	0.28 x CPI2
Alkali demand, pH<7	0.09	0.19 x CPI1	0.28 x CPI2
Aluminium	0.09	0.19 x CPI1	0.28 x CPI2
Ammonia (as Nitrogen)	0.28	0.57 x CPI1	0.85 x CPI2
Arsenic	9.38	18.76 x CPI1	28.14 x CPI2
Barium	4.62	9.24 x CPI1	13.85 x CPI2
Biochemical Oxygen Demand (BOD)	0.09	0.19 x CPI1	0.28 x CPI2
Boron	0.09	0.19 x CPI1	0.28 x CPI2
Bromine	1.87	3.73 x CPI1	5.60 x CPI2
Cadmium	43.29	86.59 x CPI1	129.88 x CPI2
Chloride	Nil	Nil	Nil
Chlorinated hydrocarbons	4.62	9.24 x CPI1	13.85 x CPI2
Chlorinated phenolic compounds	187.03	374.05 x CPI1	561.08 x CPI2
Chlorine	0.20	0.39 x CPI1	0.59 x CPI2
Chromium	3.14	6.27 x CPI1	9.41 x CPI2
Cobalt	1.94	3.89 x CPI1	5.83 x CPI2
Copper	1.94	3.89 x CPI1	5.83 x CPI2
Cyanide	9.38	18.76 x CPI1	28.14 x CPI2
Fluoride	0.46	0.92 x CPI1	1.39 x CPI2
Formaldehyde	0.20	0.39 x CPI1	0.59 x CPI2
Grease and oil (total)	0.17	0.33 x CPI1	0.50 x CPI2
Herbicides/defoliants	93.51	187.02 x CPI1	280.54 x CPI2
Iron	0.20	0.39 x CPI1	0.59 x CPI2
Lead	4.62	9.24 x CPI1	13.85 x CPI2
Lithium	0.94	1.88 x CPI1	2.81 x CPI2
Manganese	0.94	1.88 x CPI1	2.81 x CPI2
Mercaptans	9.38	18.76 x CPI1	28.14 x CPI2
Mercury	311.71	623.42 x CPI1	935.13 x CPI2
Methylene blue active substances (MBAS)	0.09	0.19 x CPI1	0.28 x CPI2
Molybdenum	0.09	0.19 x CPI1	0.28 x CPI2
Nickel	3.14	6.27 x CPI1	9.41 x CPI2
Nitrogen (Total Kjeldahl Nitrogen)	0.02	0.05 x CPI1	0.07 x CPI2
Organoarsenic compounds	93.51	187.02 x CPI1	280.54 x CPI2
Pesticides general (excludes organochlorines and organophosphates)	93.51	187.02 x CPI1	280.54 x CPI2

Petroleum hydrocarbons (non-flammable)	0.31	0.63 x CPI1	0.94 x CPI2
Phenolic compounds (non-chlorinated)	0.94	1.88 x CPI1	2.81 x CPI2
Phosphorus (Total)	0.20	0.39 x CPI1	0.59 x CPI2
Polynuclear aromatic hydrocarbons (PAH)	1.94	3.89 x CPI1	5.83 x CPI2
Selenium	6.57	13.14 x CPI1	19.71 x CPI2
Silver	0.15	0.30 x CPI1	0.45 x CPI2
Sulphate	0.02	0.04 x CPI1	0.05 x CPI2
Sulphide	0.20	0.39 x CPI1	0.59 x CPI2
Sulphite	0.21	0.42 x CPI1	0.63 x CPI2
Suspended Solids (SS)	0.12	0.24 x CPI1	0.36 x CPI2
Thiosulphate	0.03	0.06 x CPI1	0.10 x CPI2
Tin	0.94	1.88 x CPI1	2.81 x CPI2
Total Dissolved Solids (TDS)	0.01	0.01 x CPI1	0.02 x CPI2
Uranium	0.94	1.88 x CPI1	2.81 x CPI2
Zinc	1.91	3.82 x CPI1	5.73 x CPI2

Schedule 4 Ancillary and Miscellaneous Customer Services

1 Application

This Schedule sets out the maximum prices that Essential Energy may charge for Ancillary and Miscellaneous Customer Services.

2 Ancillary and miscellaneous customer charges

The maximum price that Essential Energy may levy for supplying an Ancillary and Miscellaneous Customer Service listed in Table 11 is:

- (a) from **1 July 2019 to 30 June 2020** - the corresponding charge for that service in Table 11;
- (b) from **1 July 2020 to 30 June 2021** - the corresponding charge for that service in Table 11 multiplied by CPI₁; and
- (c) from **1 July 2021 to 30 June 2022** - the corresponding charge for that service in Table 11 multiplied by CPI₂.

Table 11

Table 11 Charges for Ancillary and Miscellaneous Customer Services

No	Ancillary and Miscellaneous Customer Services	1 July 2019 to 30 June 2020 (\$ per service)
1	Conveyancing certificate Statement of outstanding charges	
	a) Full certificate with meter read	74.81
	b) Updated meter read request (special meter read)	56.07
	c) Full certificate with history search	131.69
	d) Urgent full certificate with meter read (within 48 hours)	129.66
2	Meter test Refunded if meter is \pm 3%	77.75
3	Drainage diagram	21.93
4	Plumbing inspection	36.27
5	Plumbers application	38.75
6	Site inspection for water and sewerage	124.60
7	Statement of available water pressure	180.31
8	Building plan approval – extension	35.00
9	Building plan approval – new connection	52.88
10	Fire Service application	92.49
11	Relocation/increase in size of water service (tapping fee)	89.55
12	Backflow prevention device testing and certification (per hour plus materials)	74.96
13	Install water service	
	a) 20mm service up to 3 metres	767.85
	b) 20mm service over 3 metres and less than 30 metres	1,981.43
	c) All others	By quote
14	Alter existing water service	
	a) Actual cost	By quote
	b) Relocate existing service	By quote
15	Downgrade meter size	
	a) 25mm to 20mm	98.72
	b) All others	By quote
16	Repair damaged water service	
	a) First repair within 5 year period	Nil
	b) Second and subsequent repairs (per hour plus materials)	98.72
17	Rectification of illegal service	240.08
18	Replace damaged water meter	
	a) First replacement in a 5 year period	Nil
	b) 20mm	115.48

Table 11

	c) 25mm	227.93
	d) 32mm	331.25
	e) 40mm	798.24
	f) 50mm	995.78
	g) 80mm	1,094.04
	h) 100mm or greater	By quote
19	Water service disconnection	
	a) First disconnect within 1 year period	Nil
	b) Capping	96.29
	c) 20mm to 25mm	161.07
	d) Greater than 25mm	By quote
	e) Bitumen repairs (\$ per metre) (minimum 1 metre)	18.74
20	Water service reconnection	
	a) First reconnect within 1 year period	Nil
	b) Un-capping	103.33
	c) 20mm to 25mm	173.22
	d) Greater than 25mm	By quote
	e) Bitumen repairs (\$ per metre) (minimum 1 metre)	18.74
21	Asset location	
	a) Major or critical infrastructure (per hour)	98.72
	b) Minor or non-critical initial location	Nil
	c) Reinspect asset location (per hour)	98.72
22	Relocate existing stop valve or hydrant	By quote
23	Replace water main before customer installations	By quote
24	Standpipe hire	
	a) Monthly (minimum charge)	31.91
	b) Annually	382.91
	c) Water usage charges (\$ per kL)	
	i. Treated	1.82
	ii. Untreated	1.62
25	Personal service of final warning notice	21.83
26	Water reconnections – after restrictions	
	a) During business hours	94.21
	b) Outside business hours	130.68

Schedule 5 Statement of reasons for setting methodologies

1 Legislative framework

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 the Tribunal is of the opinion that it is impractical to make a determination directly fixing the maximum price. If IPART makes a determination that involves setting the methodology for fixing a maximum price then it must include in its determination a statement of the reasons why it chose to set a methodology.

2 Statement of reasons

2.1 Methodology for certain water service charges

IPART has set a methodology for fixing the maximum price for Water Supply Services to Non-Residential Multi-Premises with one or more Common Meters under clause 5.2 of Schedule 1. IPART has chosen to set this methodology to take into account the water service charge levied under clauses 4.2 and 4.3 of Schedule 1 in respect of each Property within the Multi-Premises with an Individual Meter which is downstream of a Common Meter that services the Multi-Premises.

2.2 Methodology for sewerage service charges

- (a) IPART has set a methodology for fixing the maximum price for Sewerage Services to Metered Non-Residential Properties in clause 3.2 of Schedule 2. IPART has chosen to set this methodology to take into account the Discharge Factor applicable to the Property.
- (b) IPART has set a methodology for fixing the maximum price for Sewerage Services to Non-Residential Properties in Multi-Premises with one or more Common Meters in clause 4.2 of Schedule 2. IPART has chosen to set this methodology to take into account the sewerage service charges levied under clauses 3.2 and 3.3 of Schedule 2 in respect of each Property within the Multi-Premises with an Individual Meter which is downstream of a Common Meter that services the Multi-Premises, and the Discharge Factor applicable to the Property.

2.3 Methodology for sewerage usage charges

- (a) IPART has set a methodology for fixing the maximum sewerage usage charges for Metered Non-Residential Properties in clause 5.1 of Schedule 2. IPART has chosen to set this methodology to take into account the water used in the Meter Reading

Period, the Discharge Factor applicable to the Property, the sewerage usage charge and the volume of sewage discharged.

- (b) IPART has set a methodology for fixing the maximum sewerage usage charges for Metered Non-Residential Multi-Premises with one or more Common Meters in clause 5.2 of Schedule 2. IPART has chosen to set these methodologies to take into the volume of water used in the Meter Reading Period, the Discharge Factor applicable to the Multi-Premises, the sewerage usage charge and the volume of sewage discharged.

2.4 Methodology for Trade Waste charges

IPART has set methodologies for fixing the maximum price for Trade Waste Services in Schedule 3. IPART has chosen to set these methodologies because the cost of each category of Trade Waste discharge depends on a number of variables; for example, applicable fees, the annual food waste disposal in the relevant period, the number of beds in the facility in which the food waste disposal unit is installed and a usage charge.

Schedule 6 Definitions and interpretation

1 Definitions

1.1 General definitions

In this determination:

Ancillary and Miscellaneous Customer Services means the ancillary and miscellaneous customer services referred to in clause 2(d) of the Order.

Category 1 Trade Waste Discharge means Trade Waste discharge which:

- (a) arises from an activity conducted on a Non-Residential Property;
- (b) is deemed by Essential Energy to be of a low risk nature and to require nil or minimal pre-treatment prior to its discharge into the Sewerage System; and
- (c) is discharged pursuant to a trade waste agreement with Essential Energy.

Category 1a Trade Waste Discharge means Trade Waste discharge which:

- (a) arises from an activity conducted on a Non-Residential Property;
- (b) is deemed by Essential Energy to be of a low risk nature but to require a more sophisticated prescribed pre-treatment than Category 1 Trade Waste Discharge prior to its discharge into the Sewerage System; and
- (c) is discharged pursuant to a trade waste agreement with Essential Energy.

Category 2 Trade Waste Discharge means Trade Waste discharge which:

- (a) arises from an activity conducted on a Non-Residential Property;
- (b) is deemed by Essential Energy to be of a medium risk nature but to require a prescribed type of liquid trade waste pre-treatment prior to being discharged into the Sewerage System; and
- (c) is discharged pursuant to a trade waste agreement with Essential Energy.

Category 3 Trade Waste Discharge means Trade Waste discharge which:

- (a) arises from an activity conducted on a Non-Residential Property;
- (b) is deemed by Essential Energy to be of either a high volume (over 20kL per day) or of an industrial nature and to require a prescribed type of liquid trade waste pre-treatment prior to being discharged into the Sewerage System; and
- (c) is discharged pursuant to a trade waste agreement with Essential Energy.

CBH Resources Ltd means CBH Resources Limited ACN 009 423 858 and includes any related body corporate within the definition of section 50 of the *Corporations Act 2001* (Cth) that is a Mining Customer.

Chlorinated Water means water that has been treated with a chlorine disinfection process, but not filtered to remove solids and organic particles.

Commencement Date is defined in clause 2(a) of the Preliminary section of this determination.

Common Meter means a Meter which services a Multi-Premises, where the Meter measures the water usage at that Multi-Premises but not at each relevant Property located on or within that Multi-Premises.

Community Development Lot has the meaning given to that term under the *Community Land Development Act 1989* (NSW).

Company Title Building means a building owned by a company where the issued shares of the company entitle the legal owner to exclusive occupation of a specified Company Title Dwelling within that building.

Company Title Dwelling means a dwelling within a Company Title Building.

Corporation has the meaning given to that term under section 57A of the *Corporations Act 2001* (Cth).

Determination No. 1 of 2014 means IPART's Determination No. 1, 2014 entitled 'Essential Energy's water and sewerage services in Broken Hill – Review of prices from 1 July 2014 to 30 June 2018'.

DF or Discharge Factor means:

- (a) in relation to a Property other than a Mining Customer with a single Individual Meter, or multiple Individual Meters, the percentage of water supplied to that Property which Essential Energy estimates to be discharged into the Sewerage System;
- (b) in relation to a Property other than a Mining Customer Property within a Multi-Premises with one or more Common Meters, the percentage of water supplied to that Multi-Premises which Essential Energy estimates to be discharged into the Sewerage System;
- (c) in relation to a Multi-Premises, the percentage of water supplied to that Multi-Premises which Essential Energy estimates to be discharged into the Sewerage System; and
- (d) in relation to a Mining Customer Property with a single Individual Meter, or multiple Individual Meters – 100%.

Domestic Equivalent means a concentration or level the same as would be found in household sewage.

Essential Energy means the corporation established under the *Energy Services Corporations Act 1995* (NSW).

Essential Water means the part of Essential Energy which provides water and sewerage services to customers.

Exempt Land means land to which section 312 of the Water Management Act applies.

GST means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Individual Meter means a Meter which services a Property, where the Meter measures the water usage at that Property.

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).

kL means kilolitre or one thousand litres.

Local Government Act means the *Local Government Act 1993* (NSW).

Menindee Pipeline means the water pipeline which runs from Menindee to Broken Hill.

Meter means an apparatus for the measurement of water.

Metered Non-Residential Property means a Non-Residential Property that is serviced by a single Individual Meter or multiple Individual Meters.

Meter Reading Period means a period equal to the number of days between:

- (a) the date (Last Reading Date) on which Essential Energy last read the Meter or is taken to have read the Meter, including by estimating consumption for the Property or Multi-Premises (as the case may be); and
- (b) the date (Earlier Reading Date) immediately preceding the Last Reading Date on which Essential Energy read the Meter or is taken to have read the Meter, including by estimating consumption for the Property or Multi-Premises (as the case may be),

which period includes the Last Reading Date but does not include the Earlier Reading Date.

Metered Residential Property means a Residential Property that is serviced by a single Individual Meter or multiple Individual Meters.

Mining Customer means any Corporation which undertakes the mining or exploration activities on a Mining Customer Property, including CBH Resources Ltd and Perilya Broken Hill Ltd.

Mining Customer Property means a Property that is a Non-Residential Property in the Broken Hill area and on which the primary activity that is undertaken is mining or exploration activities.

Mixed Multi-Premises means a Multi-Premises which contains both Residential Properties and Non-Residential Properties.

Monopoly Services means the Monopoly Services as defined in clause 1 of the Preliminary section of this determination.

Multi-Premises means a premises where there is more than one Property.

Multi-Premises Property includes:

- (a) a Strata Title Lot; and
- (b) a part of a building lawfully occupied or available for occupation (other than a Strata Title Building to which paragraph (a) applies).

New Mining Customer means any Corporation other than Perilya Broken Hill Ltd or CBH Resources Ltd:

- (a) which undertakes mining or exploration activities on a Mining Customer Property after the Commencement Date; or
- (b) that acquires, takes control or management of a Corporation which undertakes mining and exploration activities on a Mining Customer Property after the Commencement Date.

Non-Residential Multi-Premises means a Multi-Premises containing only Non-Residential Properties.

Non-Residential Property means a Property that is not:

- (a) a Residential Property; or
- (b) land that has no capital improvements and no connection to the Water Supply System.

Order means the *Independent Pricing and Regulatory Tribunal (Country Energy) Order 2008* published in the New South Wales Government Gazette No. 147 on 14 November 2008.

Perilya Broken Hill Ltd means Perilya Broken Hill Limited ACN 099 761 289 and includes any related body corporate within the definition of section 50 of the *Corporations Act 2001* (Cth) that is a Mining Customer.

Pipeline Property means a Property which may access Untreated Water from the Menindee Pipeline or the Umberumberka Pipeline (or, in the event that the Menindee Pipeline is decommissioned, could access Untreated Water from the Menindee Pipeline immediately prior to it being decommissioned).

Property includes:

- (a) a Strata Title Lot;
- (b) a Company Title Dwelling;
- (c) a Community Development Lot
- (d) a Retirement Village;
- (e) a building, or part of a building, occupied or available for occupation as a separate place of domicile or separate place of business, other than a building to which paragraphs (a) to (d) apply; or
- (f) land (including Vacant Land); but

excludes a Retirement Village Unit.

Rateable Land has the meaning given to that term under the Local Government Act.

Residential Multi-Premises means a Multi-Premises containing only Residential Properties.

Residential Property means a Property, other than a Pipeline Property or a Retirement Village, where:

- (a) in the case of that Property being Rateable Land, that Property is categorised as:
 - (1) residential under section 516 of the Local Government Act; or
 - (2) farmland under section 515 of the Local Government Act; or
- (b) in the case of the Property not being Rateable Land, the dominant use of the Property is:
 - (1) residential, applying the classifications in section 516 of the Local Government Act; or
 - (2) farmland, applying the classifications in section 515 of the Local Government Act.

Retirement Village has the meaning given to that term in the *Retirement Villages Act 1999* (NSW).

Retirement Village Unit means a unit located in a Retirement Village.

Sewerage Services means the sewerage services referred to in clause 2(b) of the Order.

Sewerage System means the sewerage system of Essential Energy.

Strata Title Building means a building that is subject to a strata scheme under the *Strata Schemes Development Act 2015* (NSW).

Strata Title Lot means a 'lot' as defined under *Strata Schemes Development Act 2015* (NSW).

Trade Waste means wastewater from customers with concentrations of pollutants that exceed a Domestic Equivalent.

Trade Waste Discharge Factor is the ratio of the volume of liquid trade waste discharged into the sewerage system to the total water consumption expressed as a percentage.

Trade Waste Policy means Essential Water's policy titled *Water: Discharge of Liquid Trade Waste Policy* dated October 2016, as approved by the Minister and as amended or replaced from time to time.

Trade Waste Services means the trade waste services referred to in clause 3(c) of the Order.

Treated Water means water that has been treated with a disinfection process and filtered to a standard that is primarily intended for human consumption.

Umberumberka Pipeline means the water pipeline which runs from Umberumberka to Broken Hill.

Unconnected Property means:

- (a) in the context of Schedule 1, a Property that is not connected, but is reasonably available for connection, to the Water Supply System; and
- (b) in the context of Schedule 2, a Property that is not connected, but is reasonably available for connection, to the Sewerage System.

Unmetered Property means a Residential Property or a Non-Residential Property, which is not serviced by an Individual Meter or a Common Meter.

Untreated Water means water in its natural state, prior to any treatment process.

Vacant Land means an Unconnected Property with no capital improvements.

Volume of Liquid Trade Waste is the volume of water (Treated Water, Chlorinated Water and Untreated Water, as applicable) supplied (in kL) to the relevant Non-Residential Property for the Meter Reading Period as measured by the Meter or Meters, multiplied by the Trade Waste Discharge Factor.

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

Water Supply Services means the water supply services referred to in clause 2(a) of the Order.

Water Supply System means the water supply system of Essential Energy.

1.2 Consumer Price Index

- (a) 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)

$$CPI_1 = \left(\frac{CPI_{\text{March2020}}}{CPI_{\text{March2019}}} \right)$$

$$CPI_2 = \left(\frac{CPI_{\text{March2021}}}{CPI_{\text{March2019}}} \right)$$

(c) The subscript (for example _{March2019}) when used in relation to the CPI in paragraph 1.2(b) refers to the CPI for the quarter and year indicated (in the example, the March quarter for 2019).

2 Interpretation

2.1 General provisions

In this determination, unless the contrary intention appears:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination unless otherwise indicated;
- (c) a construction that would promote the 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 importing the singular include the plural and vice versa;
- (e) a reference to a law or statute includes regulations, rules, codes and other instruments under it and consolidations, amendments, re-enactments or replacements of them;
- (f) where a word is defined, other grammatical forms of that word 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, substitutes (including, but not limited to persons taking by novation), replacements and assigns; and
- (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.

2.2 Explanatory notes, simplified outlines, examples and clarification notices

- (a) Explanatory notes, simplified outlines 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 set out in this determination do not include GST.
- (b) For the avoidance of doubt, where GST is lawfully applied to maximum prices set out in this determination, the resulting GST inclusive price is consistent with this determination.

2.4 Rounding rule

- (a) A maximum price calculated in accordance with this determination is to be rounded to the nearest whole cent, except where clause 2.4(e) applies.
- (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.
- (e) Where a maximum price for an ancillary and miscellaneous customer service calculated in accordance with clause 2 of Schedule 4 is:
 - (1) \$100 or more, the maximum price is to be rounded to the nearest whole dollar;
and
 - (2) less than \$100, the maximum price is to be rounded to the nearest 5 cents.
- (f) For the purposes of rounding a maximum price under clause 2.4(e)(1), any amount that is a multiple of 50 cents (but not a multiple of \$1) is to be rounded up to the nearest whole dollar.
- (g) For the purposes of rounding a maximum price under clause 2.4(e)(2), any amount that is a multiple of 2.5 cents (but not a multiple of 5 cents) is to be rounded up to the nearest multiple of 5 cents.

2.5 Apparatus for checking quantity of water used

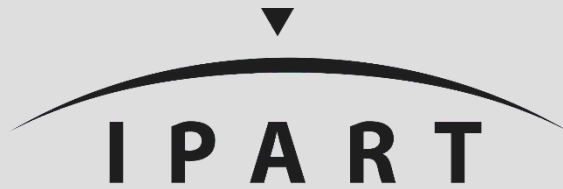
For the purposes of this determination, where an apparatus is used by Essential Energy to check on the quantity of water use recorded by a Meter, that apparatus will not fall within the definition of a 'Meter'.

2.6 Charges may be levied on a pro-rata basis

Essential Energy must levy any charge applying in this determination on a pro-rata basis, where:

- (a) a Meter Reading Period traverses more than one period; or
- (b) a billing period covers part of a period.

(n2019-1892)



Independent Pricing and Regulatory Tribunal
New South Wales

Prices for land valuation services provided by the Valuer General to councils

From 1 July 2019 to 30 June 2025

Determination

May 2019

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The Independent Pricing and Regulatory Tribunal (IPART)

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Mr Ed Willett

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Preliminary

1 Application of this determination

1.1 This determination sets maximum prices for the Monopoly Service

Under section 12 of the IPART Act, this determination sets out the maximum prices that the Valuer General may charge for the Monopoly Service.

1.2 Term of this determination

- (a) This determination commences on 1 July 2019, or the date that it is published in the NSW Government Gazette, whichever is later (**Commencement Date**).
- (b) The maximum prices under this determination apply from the Commencement Date to 30 June 2025 (**Term**).

2 Pricing Schedule

The maximum price that the Valuer General may charge for supplying the Monopoly Service to Councils is set out in Schedule 1.

3 Legislative Background

3.1 IPART may set maximum prices for a government monopoly service referred to IPART by the Minister

- (a) Section 12 of the IPART Act provides that IPART is to conduct investigations and make reports to the Minister on the determination of the pricing for a specified government monopoly service referred to IPART by the Minister.
- (b) On 16 October 2018, IPART received a referral from the Minister requesting that IPART investigate and report on the determination of the maximum prices for the Monopoly Service to apply in total for a period of 6 years.

3.2 The Monopoly Service is a government monopoly service

The Monopoly Service is a government monopoly service because it falls within the scope of the *Government Pricing Tribunal (Valuer General's Services) Order 1993*.

Schedule 1 Maximum Price for the Monopoly Service

1 Application

This Schedule sets out the maximum price that the Valuer General may charge a Council for the Monopoly Service.

2 Calculation of maximum price

- (a) The maximum price that the Valuer General may charge a Council for the Monopoly Service in respect of an Area in:
 - (1) a Coastal Zone, is the Entry Charge in Table 1.1 for the applicable Period multiplied by the Number of Area Entries;
 - (2) a Country Zone, is the Entry Charge in Table 1.2 for the applicable Period multiplied by the Number of Area Entries;
 - (3) a Metropolitan Zone, is the Entry Charge in Table 1.3 for the applicable Period multiplied by the Number of Area Entries; and
 - (4) the City of Sydney Zone, is the Entry Charge in Table 1.4 for the applicable Period multiplied by the Number of Area Entries.
- (b) For the purpose of clause 2(a), 'Number of Area Entries' means the number of entries for the Area on the Valuation Roll of the Council as at the 30 June immediately preceding the Period.

Tables 1.1 – 1.4 Entry Charges by Zone

Table 1.1 Entry Charge for an Area in the Coastal Zone

Commencement Date to 30 June 2020 \$ per entry	1 July 2020 to 30 June 2021 \$ per entry	1 July 2021 to 30 June 2022 \$ per entry	1 July 2022 to 30 June 2023 \$ per entry	1 July 2023 to 30 June 2024 \$ per entry	1 July 2024 to 30 June 2025 \$ per entry
6.48	6.48 x CPI ₁	6.48 x CPI ₂	6.48 x CPI ₃	6.48 x CPI ₄	6.48 x CPI ₅

Table 1.2 Entry Charge for an Area in the Country Zone

Commencement Date to 30 June 2020 \$ per entry	1 July 2020 to 30 June 2021 \$ per entry	1 July 2021 to 30 June 2022 \$ per entry	1 July 2022 to 30 June 2023 \$ per entry	1 July 2023 to 30 June 2024 \$ per entry	1 July 2024 to 30 June 2025 \$ per entry
7.61	7.61 x CPI ₁	7.61 x CPI ₂	7.61 x CPI ₃	7.61 x CPI ₄	7.61 x CPI ₅

Table 1.3 Entry Charge for an Area in the Metropolitan Zone

Commencement Date to 30 June 2020 \$ per entry	1 July 2020 to 30 June 2021 \$ per entry	1 July 2021 to 30 June 2022 \$ per entry	1 July 2022 to 30 June 2023 \$ per entry	1 July 2023 to 30 June 2024 \$ per entry	1 July 2024 to 30 June 2025 \$ per entry
5.98	5.98 x CPI ₁	5.98 x CPI ₂	5.98 x CPI ₃	5.98 x CPI ₄	5.98 x CPI ₅

Table 1.4 Entry Charge for an Area in the City of Sydney Zone

Commencement Date to 30 June 2020 \$ per entry	1 July 2020 to 30 June 2021 \$ per entry	1 July 2021 to 30 June 2022 \$ per entry	1 July 2022 to 30 June 2023 \$ per entry	1 July 2023 to 30 June 2024 \$ per entry	1 July 2024 to 30 June 2025 \$ per entry
12.37	12.37 x CPI ₁	12.37 x CPI ₂	12.37 x CPI ₃	12.37 x CPI ₄	12.37 x CPI ₅

Schedule 2 Definitions and interpretation

1 Definitions

1.1 General definitions

In this determination:

Area means an area as constituted under section 204 of the *Local Government Act 1993* (NSW) as at the Commencement Date.

City of Sydney Zone means the Area listed in Table 3.4 of Schedule 3.

Coastal Zone means the Areas listed in Table 3.1 of Schedule 3.

Commencement Date is defined in clause 1.2(a) of the Preliminary section of this determination.

Council has the meaning given to that term under the *Local Government Act 1993* (NSW).

Country Zone means the Areas listed in Table 3.2 of Schedule 3.

Entry Charge means:

- (a) in relation to the Coastal Zone, the applicable charge specified in Table 1.1;
- (b) in relation to the Country Zone, the applicable charge specified in Table 1.2;
- (c) in relation to the Metropolitan Zone, the applicable charge specified in Table 1.3;
and
- (d) in relation to the City of Sydney Zone, the applicable charge specified in Table 1.4.

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).

Metropolitan Zone means the Areas listed in Table 3.3 of Schedule 3.

Minister means the Minister responsible for administering the IPART Act.

Monopoly Service means the furnishing of valuation lists and supplementary lists under Part 5 of the *Valuation of Land Act 1916* (NSW) by the Valuer General to a council of an area under the *Local Government Act 1993* (NSW).

Number of Area Entries is defined in clause 2(b) of Schedule 1.

Period means:

- (a) the Commencement Date to 30 June 2020;
- (b) 1 July 2020 to 30 June 2021;
- (c) 1 July 2021 to 30 June 2022;
- (d) 1 July 2022 to 30 June 2023;
- (e) 1 July 2023 to 30 June 2024; or
- (f) 1 July 2024 to 30 June 2025.

Term is defined in clause 1.2(b) of the Preliminary section of this determination.

Valuation Roll has the meaning given to it under section 53 of the *Valuation of Land Act 1916* (NSW).

Valuer General means the person appointed to that office in accordance with section 8 of the *Valuation of Land Act 1916* (NSW).

1.2 Consumer Price Index

- (a) 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)

$$CPI_1 = \left(\frac{CPI_{\text{March2020}}}{CPI_{\text{March2019}}} \right)$$

$$CPI_2 = \left(\frac{CPI_{\text{March2021}}}{CPI_{\text{March2019}}} \right)$$

$$CPI_3 = \left(\frac{CPI_{\text{March2022}}}{CPI_{\text{March2019}}} \right)$$

$$CPI_4 = \left(\frac{CPI_{\text{March2023}}}{CPI_{\text{March2019}}} \right)$$

$$CPI_5 = \left(\frac{CPI_{\text{March2024}}}{CPI_{\text{March2019}}} \right)$$

- (c) The subtext (for example March_{2019}) when used in relation to the CPI in paragraph 1.2(b) above refers to the CPI for the quarter and year indicated (in the example, the March quarter for 2019).

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 or table is a reference to a schedule to, clause of or table in, this determination unless otherwise indicated;
- (c) a construction that would promote the 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 importing the singular include the plural and vice versa;
- (e) a reference to a law or statute includes regulations, 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 is defined, other grammatical forms of that word have a corresponding meaning;
- (g) a reference to a day is to a calendar day;
- (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, substitutes (including, but not limited to persons taking by novation), replacements and assigns; and
- (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.

2.2 Area amalgamations and boundary changes during the Term do not affect application of this determination

Where the boundary of a local government area is altered during the Term of this determination (including by an amalgamation under Division 2A of Part 1 of Chapter 9 of the *Local Government Act 1993* (NSW)), that modification has no effect on the categorisation of any Area under Schedule 3 of this determination.

[For example: if an Area was categorised as part of the Country Zone under Schedule 3 as at the Commencement Date, and is amalgamated with an Area, or part of an Area, that is part of the Coastal Zone during the Term of this determination, the Area that was categorised under Schedule 3 as:

- (a) a part of the Country Zone prior to the amalgamation will, for the purpose of applying this determination, continue to be treated as part of the Country Zone; and
- (b) a part of the Coastal Zone prior to the amalgamation will, for the purpose of applying this determination, continue to be treated as a part of the Coastal Zone.]

2.3 Explanatory notes, examples and clarification notices

- (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.

2.4 Maximum prices exclusive of GST

Maximum prices set out in this determination do not include GST.

For the avoidance of doubt, where GST is lawfully applied to maximum prices set out in this determination, the resulting GST inclusive price is consistent with this determination.

2.5 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 2.5(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 2.5(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.

Schedule 3 Categorisation of Areas

Table 3.1 – Coastal Zone

Area
Ballina
Bega Valley
Bellingen
Byron
Central Coast
Clarence Valley
Coffs Harbour
Eurobodalla
Kempsey
Kiama
Kyogle
Lake Macquarie
Lismore
Mid-Coast
Nambucca
Newcastle
Port Macquarie-Hastings
Port Stephens
Richmond Valley
Shellharbour
Shoalhaven
Tweed
Wingecarribee
Wollondilly
Wollongong

Table 3.2 – Country Zone

Area
Albury
Armidale Regional
Balranald
Bathurst Regional
Berrigan
Bland
Blayney
Bogan
Bourke
Brewarrina
Broken Hill
Cabonne
Carrathool
Central Darling
Cessnock
Cobar
Coolamon
Coonamble
Cootamundra-Gundagai Regional
Cowra
Dubbo Regional
Dungog
Edward River
Federation
Forbes
Gilgandra
Glen Innes Severn
Goulburn Mulwaree
Greater Hume
Griffith
Gunnedah
Gwydir
Hay
Hilltops
Inverell
Junee
Lachlan
Leeton

Table 3.2 – Country Zone

Area
Lithgow
Liverpool Plains
Lockhart
Maitland
Mid-Western Regional
Moree Plains
Murray River
Murrumbidgee
Muswellbrook
Narrabri
Narrandera
Narromine
Oberon
Orange
Parkes
Queanbeyan-Palerang Regional
Singleton
Snowy Monaro Regional
Snowy Valleys
Tamworth Regional
Temora
Tenterfield
Upper Hunter
Upper Lachlan
Uralla
Wagga Wagga
Walcha
Walgett
Warren
Warrumbungle
Weddin
Wentworth
Yass Valley

Table 3.3 – Metropolitan Zone

Area
Bayside
Blacktown
Blue Mountains
Burwood
Camden
Campbelltown
Canada Bay
Canterbury-Bankstown
City of Parramatta
Cumberland
Fairfield
Georges River
Hawkesbury
Hornsby
Hunters Hill
Inner West
Ku-ring-gai
Lane Cove
Liverpool
Mosman
North Sydney
Northern Beaches
Penrith
Randwick
Ryde
Strathfield
Sutherland
The Hills Shire
Waverley
Willoughby
Woollahra

Table 3.4 – City of Sydney Zone

Area
Sydney

(n2019-1893)