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SPECIAL SUPPLEMENT

Determination No 8, 2005

Section 11(1)
Independent Pricing and Regulatory Tribunal Act 1992

State Water Corporation

Independent Pricing and Regulatory Tribunal
of New South Wales

Reference No 04/291

1. Background

- (a) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992 (IPART Act)* permits the Tribunal to conduct investigations and make reports to the Minister administering the IPART Act on the determination of the pricing for a government monopoly service supplied by a government agency specified in Schedule 1 of the IPART Act.
- (b) State Water Corporation (**Corporation**) (as a statutory State owned corporation established by section 4 of the *State Water Corporation Act 2004 (SWC Act)*) is listed in Schedule 1 of the IPART Act as a "government agency" for which the Tribunal has standing reference for the purposes of section 11 of the IPART Act.
- (c) The Corporation's functions under the SWC Act (section 6) include:
- (1) to capture and store water and to release water:
 - (a) to persons entitled to take the water, including release to regional towns;
 - (b) for the purposes of flood management; and
 - (c) for any other lawful purpose, including the release of environmental water; and
 - (2) to construct, maintain and operate water management works.
- (d) Under section 29 of the SWC Act, the Corporation may impose fees or charges on any person to whom the Corporation provides a service in the exercise of its functions, including any person to whom the Corporation makes water available.
- (e) Under section 4(7) of the IPART Act, the Corporation is taken to be the supplier of the services for which fees and charges are payable under the SWC Act, and which are declared to be government monopoly services.
- (f) Under clause 3 of the *Independent Pricing and Regulatory Tribunal (Water Services) Order 2004*, services supplied by the Corporation which involve:
- (1) the making available of water;
 - (2) the making available of the Corporation's water supply facilities; or
 - (3) the supplying of water, whether by means of the Corporation's facilities or otherwise,
- are "government monopoly services" (**Monopoly Services**) for the purposes of sections 4 and 11(1) of the IPART Act. Accordingly, the Tribunal may conduct investigations and report to the Minister administering the IPART Act on the determination of prices for these Monopoly Services supplied by the Corporation.

- (g) In practice, charges for the Corporation's water delivery activities are made as charges under licences, permits, approvals or authorities granted:
- (1) by the Minister under Chapter 3 of the *Water Management Act 2000* (**Water Management Act**) (in areas of NSW in which proclamations under sections 55A and 88A of the Water Management Act are in force); and
 - (2) by the Water Administration Ministerial Corporation (**WAMC**) under the *Water Act 1912* (**Water Act**) (in other areas of NSW).
- (h) Accordingly, in determining prices for the Corporation's Monopoly Services, the Tribunal has determined prices payable for these services under various licences, permits, approvals or authorities granted under the Water Management Act and the Water Act.
- (i) In investigating and reporting on the pricing of the Corporation's Monopoly Services, the Tribunal has had regard to a broad range of matters, including the criteria set out in section 15(1) of the IPART Act.
- (j) In accordance with section 13A(1) of the IPART Act, the Tribunal has fixed the maximum price for the Corporation's Monopoly Services and/or established a methodology for fixing the maximum price.
- (k) Under section 18(2) of the IPART Act, the Corporation may not fix a price for Monopoly Services below that determined by the Tribunal without the approval of the Treasurer.

2. Application of this determination

- (a) Pursuant to section 13A of the IPART Act, this determination fixes the maximum prices (and/or sets a methodology for fixing those maximum prices) that may be charged for the Corporation's Monopoly Services under water licences that authorise the extraction of water from regulated rivers.
- (b) Despite anything in the Schedules, this determination does not apply to charges under water licences to the extent that they authorise the extraction of water from the Fish River Water Supply Scheme.
- (c) Except in relation to the extraction of water from the Fish River Water Supply Scheme, no charges may be levied on any person for the Corporation's Monopoly Services other than as provided in this determination.
- (d) For the avoidance of doubt, this determination does not apply to services provided by the Corporation that are not Monopoly Services, including:
- (1) management services provided by the Corporation to the Lowbidgee Flood Control and Irrigation District Trust established to manage floodplain, wetlands and irrigation works in the Lowbidgee Flood Control and Irrigation District;
 - (2) weed clearing and pumping/operations services provided by the Corporation to Gol Gol Creek and Gol Gol Creek North; and

- (3) the rights granted by the Corporation to hydropower operators to install their facilities on the Corporation's dams and use water in its storages for power generation, or the maintenance and emergency response services provided by the Corporation to these operators.
- (e) This determination commences on the later of 1 July 2005 and the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (f) The maximum prices in this determination apply from the Commencement Date to 30 June 2006. The maximum prices in this determination prevailing at 30 June 2006 continue to apply beyond 30 June 2006 until this determination is replaced.

3. Replacement of Determination No. 3 of 2001

Determination No. 3 of 2001 (Reference No 01/248), to the extent that it relates to pricing for the Corporation's Monopoly Services, is replaced by this determination from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under that determination prior to its replacement.

4. Monitoring

The Tribunal may monitor the performance of the Corporation for the purposes of:

- (a) establishing and reporting on the level of compliance by the Corporation with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by the Corporation.

5. Schedule

Schedule 1 and the Tables in that Schedule set out the maximum prices that the Corporation may charge for the Monopoly Services specified in the Schedule.

6. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in Schedule 2.

Schedule 1

Regulated Rivers

1. Application

This Schedule sets the maximum prices that may be charged for the Corporation's Monopoly Services under a water licence that authorises the extraction of water from a regulated river, for the period to which this determination applies.

2. Maximum charges

The maximum annual charges for the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule are as set out in Table 1 (as modified by clause 4 of this Schedule, if applicable), corresponding to:

- (a) the components identified in clause 3 of this Schedule;
- (b) the relevant water source or river valley; and
- (c) whether the licence is a high security licence or a general security licence,

and applied to the licence holder's entitlement or usage (as applicable) during the relevant year, subject to this determination.

3. Components of charges

For the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule, each of the following charges (and no other charges) may be made:

- (a) an entitlement charge (being a charge expressed in dollars per megalitre of entitlement or in dollars per unit share); and
- (b) a usage charge (being a charge expressed in dollars per megalitre of water actually extracted).

However, only a usage charge may be made for the Corporation's Monopoly Services under the following licences:

- (c) a high flow licence;
- (d) a supplementary water access licence; and
- (e) a floodplain harvesting access licence,

to which clause 1 of this Schedule applies.

4. Conversion factors

The entitlement charges for water access licences in Table 1 are to be multiplied by the following conversion factor:

Total volume (ML) water entitlement of all water licence holders (having regard to water availability) from the water source or river valley immediately after the introduction of the relevant water sharing plan

Divided by

Total volume (ML) water entitlement of all water licence holders (having regard to water availability) from the water source or river valley immediately before the introduction of the relevant water sharing plan.

5. Discounts on entitlement charges

Each component of an entitlement charge (other than under clause 6 of this Schedule) payable by a licence holder in Table 2 is reduced by the applicable discount listed in that table.

6. Murrumbidgee and Yanco Columbo System

In addition to the charges set out in Table 1, the following levies may be charged to each licence holder who is an irrigator:

- (a) in respect of the Murrumbidgee (including the Yanco Columbo System): \$0.417 per megalitre of entitlement or per unit share); and
- (b) in respect of the Yanco Columbo System: \$0.90 per megalitre of entitlement or per unit share).

Clauses 4 (conversion factors) and 5 (discounts) do not apply in respect of these levies.

Table 1 Charges for Regulated Rivers

Division 1			
Maximum annual charges			
Water source/river valley	Entitlement charge		Usage charge
	(\$/ML of entitlement or \$/unit share)		(\$/ML)
	High security	General security	
Border	4.00	2.68	3.11
Gwydir	4.25	2.82	3.29
Namoi	8.04	5.36	6.42
Peel	11.52	5.05	9.19
Lachlan	5.80	3.86	4.42
Macquarie	3.66	2.81	3.79
Murray	4.43	4.02	1.09
Murrumbidgee	3.28	3.11	0.82
North Coast	10.59	8.14	5.42
Hunter	6.61	4.72	4.70
South Coast	10.60	8.15	5.43

Table 2 Discounts on entitlement charges for wholesale customers

Licence holder	Discount on entitlement charges (%)
Murray Irrigation Limited	40
Western Murray Irrigation Limited	27
West Corurgan	35
Moira Irrigation Scheme	30
Eagle Creek Scheme	25
Murrumbidgee Irrigation Limited	29
Coleambally Irrigation Limited	32
Jemalong Irrigation Limited	27

Schedule 2

Definitions and Interpretation

1. Definitions

In this determination:

Commencement Date is defined in clause 2(e).

Corporation means State Water Corporation, being the corporation established under section 4 of the SWC Act.

entitlement means the right, conferred by means of a water licence, to take and use a specified quantity of water.

floodplain harvesting access licence means a licence of that name within the meaning of the regulations made under the Water Management Act.

general security licence means:

- (a) a water access licence of any of the following types (within the meaning of section 57 of the Water Management Act and the regulations made under that Act):
 - (i) supplementary water access licence
 - (ii) the following conveyance access licences, to the extent that their unit shares of entitlement are general security under the relevant water sharing plan:
 - (1) regulated river (conveyance) access licence
 - (2) Murrumbidgee Irrigation (conveyance) access licence
 - (3) Coleambally Irrigation (conveyance) access licence
 - (iii) any other access licence that is not a high security licence; or
- (b) a Water Act water licence issued by WAMC as a low security licence.

high flow licence means a Water Act water licence issued by WAMC as a high flow licence.

high security licence means:

- (a) a water access licence of any of the following types (within the meaning of section 57 of the Water Management Act and the regulations made under that Act):
 - (i) local water utility access licence
 - (ii) major utility access licence
 - (iii) domestic and stock access licence
 - (iv) regulated river (high security) access licence

- (vi) the following conveyance access licences, to the extent that their unit shares of entitlement are high security under the relevant water sharing plan:
- (1) regulated river (conveyance) access licence
 - (2) Murrumbidgee Irrigation (conveyance) access licence
 - (3) Coleambally Irrigation (conveyance) access licence; or
- (b) a Water Act water licence issued by WAMC as a high security licence.

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

irrigator means a person who irrigates pursuant to a relevant approval, and includes an irrigation corporation (within the meaning of the Water Management Act).

Minister means the Minister administering the Water Management Act (or, where relevant, the Water Act).

Monopoly Services means the services defined as such in clause 1(f) of section 1 (Background) of this determination.

regulated river has the meaning given to that term under the Water Management Act.

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

SWC Act means the *State Water Corporation Act 2004*.

supplementary water access licence means a licence of that name within the meaning of section 57 of the Water Management Act.

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

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

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

- (a) regulated river (high security) access licence
- (b) regulated river (general security) access licence
- (c) regulated river (conveyance) access licence
- (d) supplementary water access licence
- (e) major utility access licence
- (f) local water utility access licence

- (g) domestic and stock access licence
- (h) Murrumbidgee Irrigation (conveyance) access licence
- (i) Coleambally Irrigation (conveyance) access licence
- (j) floodplain harvesting access licence
- (k) any other category of access licence that authorises the extraction of water from a regulated river.

Water Act means the *Water Act 1912*.

Water Act water licence means any licence, permit or authority under Part 2 or Part 9 of the Water Act, to the extent that it authorises the extraction of water.

water licence means:

- (a) a water access licence; or
- (b) a Water Act water licence.

Water Management Act means the *Water Management Act 2000*.

water sharing plan means the water sharing provisions of a management plan for a water management area or water source under the Water Management Act.

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, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes all amendments or replacements of that law or statute.

2.2 Explanatory Notes

Explanatory notes do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.

2.3 Prices exclusive of GST

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

2.4 Billing cycle

For the avoidance of doubt nothing in this determination affects when a bill may be issued to a customer for prices or charges under this determination.

2.5 Annual charges

The annual charges in this determination apply in respect of each financial year (1 July to 30 June inclusive).

In respect of:

- (a) the period from the Commencement Date until 30 June 2006; and
- (b) any period after 30 June 2006 that is less than a full financial year,

the annual charges in this determination (other than those calculated by reference to usage) will be pro-rated for that period, based on the proportion that the number of days in that period bears to the number of days in the financial year.

2.6 Billing on behalf of WAMC

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

2.7 Entitlement charges

- (a) A reference to an entitlement charge is a reference to an entitlement charge specified in a water licence without regard to any part of the entitlement that may be carried over from a previous year.
- (b) A reference to an entitlement charge:
 - (1) expressed in dollars per megalitre of entitlement is a reference to a charge expressed in dollars per megalitre of water which the licence states that the holder is entitled to extract in a year, under a Water Act water licence or a water access licence whose share component is expressed in megalitres; and
 - (2) expressed in dollars per unit share is a reference to a charge so expressed under a water access licence whose share component is expressed in unit shares.

2.8 Water sources and river valleys

In this determination, a reference to a water source or river valley is a reference to the relevant water source or valley set out in the following table:

Water Source or River Valley	Description
Regulated Rivers	
Border	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Border Rivers including the Severn, the Macintyre and Dumaresq rivers down to Mungindi
Gwydir	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Gwydir River and Gwydir Wetlands, Mehi river, Gil Gil Creek and Moomin Creek to the junction with the Barwon River
Namoi	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Namoi River to Peel River and Pian Creek to Barwon River
Peel	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Peel River to junction with Namoi River
Lachlan	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Lachlan and Belubula River to the Murrumbidgee River junction
Macquarie	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Macquarie River, the Cudgegong and Bogen rivers to junction with Darling River
Murray	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Murray River including the Darling River below Menindee
Murrumbidgee	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Murrumbidgee River to junction with Murray River, including Yanco, Colombo and Billabong Creeks and Tumut River
North Coast	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Regulated flows for Iron Pot and Eden Creeks
Hunter	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Hunter River, including Patterson River and Glennies Creek
South Coast	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Brogo and Bega River Catchments

A reference in this determination to "the relevant water source or river valley" is a reference to the water source or river valley for which the licence is issued (other than in the case of the usage component of a licence in the event of an inter-valley or inter-water source transfer of water, in which case it is the water source or river valley from which water is extracted).

Determination No 9, 2005

**Section 11(1)
Independent Pricing and Regulatory Tribunal Act 1992**

The Water Administration Ministerial Corporation

**Independent Pricing and Regulatory Tribunal
of New South Wales**

Reference No 04/290

1. Background

- (a) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* (**IPART Act**) permits the Tribunal to conduct investigations and make reports to the Minister administering the IPART Act on the determination of the pricing for a government monopoly service supplied by a government agency specified in Schedule 1 of the IPART Act.
- (b) The Water Administration Ministerial Corporation (**Corporation**) is listed in Schedule 1 of the IPART Act as a "government agency" for which the Tribunal has standing reference for the purposes of section 11 of the IPART Act.
- (c) The Corporation's functions under the *Water Management Act 2000* (**Water Management Act**) (sections 372 and 373) include:
- (1) to construct, maintain and operate water management works;
 - (2) to conduct research, collect information and develop technology in relation to water management;
 - (3) to acquire rights to water, whether within or beyond New South Wales;
 - (4) to do anything for the purpose of enabling the objects of the Water Management Act to be attained; and
 - (5) to enter into commercial operations with respect to (among other things) any services developed in connection with the exercise of its functions (with the approval of the Governor).
- (d) Under clause 3 of the *Independent Pricing and Regulatory Tribunal (Water Services) Order 2004*, services supplied by the Corporation which involve:
- (1) the making available of water;
 - (2) the making available of the Corporation's water supply facilities; or
 - (3) the supplying of water, whether by means of the Corporation's facilities or otherwise,
- are "government monopoly services" (**Monopoly Services**) for the purposes of sections 4 and 11(1) of the IPART Act. Accordingly, the Tribunal may conduct investigations and report to the Minister administering the IPART Act on the determination of prices for these Monopoly Services supplied by the Corporation.
- (e) Under section 4(6) of the IPART Act, the Corporation is taken to be the supplier of the services for which fees and charges are payable under Chapter 3 of the Water Management Act, and which are declared to be government monopoly services.
- (f) In practice, charges for the Corporation's water resource management activities are made as charges under licences, permits, approvals or authorities granted:

- (1) by the Minister under Chapter 3 of the Water Management Act (in areas of NSW in which proclamations under sections 55A and 88A of the Water Management Act are in force); and
 - (2) by the Corporation under the *Water Act 1912* (**Water Act**) (in other areas of NSW).
- (g) Accordingly, in determining prices for the Corporation's Monopoly Services, the Tribunal has determined prices payable for these services under various licences, permits, approvals or authorities granted under the Water Management Act and the Water Act.
- (h) In investigating and reporting on the pricing of the Corporation's Monopoly Services, the Tribunal has had regard to a broad range of matters, including the criteria set out in section 15(1) of the IPART Act.
- (i) In accordance with section 13A(1) of the IPART Act, the Tribunal has fixed the maximum price for the Corporation's Monopoly Services and/or established a methodology for fixing the maximum price.
- (j) Under section 18(2) of the IPART Act, the Corporation may not fix a price for Monopoly Services below that determined by the Tribunal without the approval of the Treasurer.

2. Application of this determination

- (a) Pursuant to section 13A of the IPART Act, this determination fixes the maximum prices (and/or sets a methodology for fixing those maximum prices) that may be charged for the Corporation's Monopoly Services under water licences that authorise the extraction of water from:
- (1) regulated rivers;
 - (2) unregulated rivers; and
 - (3) ground water sources.
- (b) No charges may be levied on any person for the Corporation's Monopoly Services other than as provided in this determination.
- (c) This determination commences on the later of 1 July 2005 or the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (d) The maximum prices in this determination apply from the Commencement Date to 30 June 2006. The maximum prices in this determination prevailing at 30 June 2006 continue to apply beyond 30 June 2006 until this determination is replaced.

3. Replacement of Determination No. 3 of 2001

Determination No. 3 of 2001 (Reference No 01/248), to the extent that it relates to pricing for the Corporation's Monopoly Services, is replaced by this determination from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under that determination prior to its replacement.

4. Monitoring

The Tribunal may monitor the performance of the Corporation for the purposes of:

- (a) establishing and reporting on the level of compliance by the Corporation with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by the Corporation.

5. Schedules

Schedules 1 - 3 (inclusive) and the Tables in those Schedules set out the maximum prices that the Corporation may charge for the Monopoly Services specified in the Schedules.

6. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in Schedule 4.

Schedule 1

Regulated Rivers

1. Application

This Schedule sets the maximum prices that may be charged for the Corporation's Monopoly Services under a water licence that authorises the extraction of water from a regulated river, for the period to which this determination applies.

2. Maximum charges

The maximum annual charges for the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule are as set out in Table 1 (as modified by clause 4 of this Schedule, if applicable), corresponding to:

- (a) the components identified in clause 3 of this Schedule;
- (b) the relevant water source or river valley; and
- (c) whether the licence is a high security licence or a general security licence,

and applied to the licence holder's entitlement or usage (as applicable) during the relevant year, subject to this determination.

3. Components of charges

For the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule, each of the following charges (and no other charges) may be made:

- (a) an entitlement charge (being a charge expressed in dollars per megalitre of entitlement or in dollars per unit share); and
- (b) a usage charge (being a charge expressed in dollars per megalitre of water actually extracted).

However, only a usage charge may be made for the Corporation's Monopoly Services under:

- (c) a high flow licence;
- (d) a supplementary water access licence; and
- (e) a floodplain harvesting access licence,

to which clause 1 of this Schedule applies.

4. Conversion factors

The entitlement charges for water access licences in Table 1 are to be multiplied by the following conversion factor:

Total volume (ML) water entitlement of all water licence holders (having regard to water availability) from the water source or river valley immediately after the introduction of the relevant water sharing plan

Divided by

Total volume (ML) water entitlement of all water licence holders (having regard to water availability) from the water source or river valley immediately before the introduction of the relevant water sharing plan.

5. Discounts on entitlement charges

Each component of an entitlement charge payable by a licence holder in Table 2 is reduced by the applicable discount listed in that table.

Table 1 Charges for Regulated Rivers

Division 1			
Maximum annual charges			
Water source/river valley	Entitlement charge		Usage charge
	(\$/ML of entitlement or \$/unit share)		
	High security	General security	(\$/ML)
Border	2.23	1.50	1.74
Gwydir	1.38	0.92	1.08
Namoi	2.62	1.75	2.09
Peel	2.41	1.06	1.92
Lachlan	1.46	0.97	1.12
Macquarie	0.90	0.70	0.94
Murray	1.39	1.26	0.34
Murrumbidgee	1.00	0.95	0.25
North Coast	2.09	1.61	1.08
Hunter	3.30	2.36	2.35
South Coast	2.08	1.60	1.07

Table 2 Discounts on entitlement charges for wholesale customers

Licence holder	Discount on entitlement charges (%)
Murray Irrigation Limited	40
Western Murray Irrigation Limited	27
West Corugan	35
Moira Irrigation Scheme	30
Eagle Creek Scheme	25
Murrumbidgee Irrigation Limited	29
Coleambally Irrigation Limited	32
Jemalong Irrigation Limited	27

Schedule 2

Unregulated Rivers

1. Application

This Schedule sets the maximum prices that may be charged for the Corporation's Monopoly Services under a water licence that authorises the extraction of water from an unregulated river, for the period to which this determination applies.

2. Categories for pricing purposes

The charges for the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule depend on whether the licence holder is:

- (a) an irrigator;
- (b) Sydney Catchment Authority or Hunter Water Corporation; or
- (c) none of the above.

3. Maximum charges for irrigators

The maximum annual charge for the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule held by an irrigator is the greater of:

- (a) \$54.31; or
- (b) the charge arising from the application of any one of the following methods that the Corporation applies in a particular case:
 - (i) a two part tariff consisting of:
 - (1) an entitlement charge (being a charge expressed in dollars per megalitre of entitlement or in dollars per unit share); and
 - (2) a usage charge (being a charge expressed in dollars per megalitre of water actually extracted),

(or in the case of a high flow licence, a supplementary water access licence or a floodplain harvesting access licence, only the usage charge component of the two part tariff); or
 - (ii) an area based charge (being a charge expressed in dollars per hectare of authorised area of irrigation); or
 - (iii) a volume of entitlement charge (being a charge expressed in dollars per megalitre of entitlement or in dollars per unit share),

for which the pricing is as set out in Table 3 (as modified by clause 6 of this Schedule, if applicable), corresponding to the relevant water source or river valley, and applied to the licence holder's entitlement, usage or area (as applicable) during the relevant year.

4. Maximum charges for Sydney Catchment Authority and Hunter Water Corporation

The maximum annual charge for the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule held by Sydney Catchment Authority or Hunter Water Corporation is a usage charge expressed in dollars per megalitre of water actually extracted, for which the pricing is as set out in Table 4, and applied to the licence holder's usage during the relevant year.

5. Maximum charges for licence holders other than irrigators, Sydney Catchment Authority or Hunter Water Corporation

The maximum annual charge for the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule held by a licence holder other than an irrigator, Sydney Catchment Authority or Hunter Water Corporation is:

- (a) in the case of a Water Act water licence where the licence holder has not been allocated an entitlement volume, the following:
 - (1) a base charge of \$119.25 per licence; plus
 - (2) the charge in Table 3 (corresponding to the relevant water source or river valley) entitled "usage charge only" (being a charge expressed in dollars per megalitre of water actually extracted), and applied to the licence holder's usage during the relevant year, or
- (b) in any other case, a two part tariff consisting of:
 - (1) an entitlement charge (being a charge expressed in dollars per megalitre of entitlement or in dollars per unit share); and
 - (2) a usage charge (being a charge expressed in dollars per megalitre of water actually extracted),

for which the pricing is as set out in Table 3 (as modified by clause 6 of this Schedule, if applicable), corresponding to the relevant water source or river valley, and applied to the licence holder's entitlement or usage (as applicable) during the relevant year.

6. Conversion factors

The entitlement charges for water access licences in Table 3 are to be multiplied by the following conversion factor:

Total volume (ML) water entitlement of all water licence holders (having regard to water availability) from the water source or river valley immediately after the introduction of the relevant water sharing plan

Divided by

Total volume (ML) water entitlement of all water licence holders (having regard to water availability) from the water source or river valley immediately before the introduction of the relevant water sharing plan.

Table 3 Charges for unregulated rivers (other than for Sydney Catchment Authority and Hunter Water Corporation)

Region/river valley	Maximum annual charges				
	Area based charge (\$/ha)	Volume of entitlement charge (\$/ML)	Two-part tariff		Usage charge only (local water utilities and major utilities) (\$/ML)
			Entitlement (\$/ML of entitlement or \$/unit share)	Usage (\$/ML)	
Border	12.26	3.82	2.30	1.53	1.72
Gwydir	12.26	3.82	2.30	1.53	1.72
Namoi	12.26	3.82	2.30	1.53	1.72
Peel	12.26	3.82	2.30	1.53	1.72
Lachlan	13.57	3.07	1.85	1.24	1.88
Macquarie	13.57	4.52	2.71	1.80	1.88
Far West	13.57	2.07	1.26	0.84	1.88
Murray	7.72	3.09	1.85	1.24	0.97
Murrumbidgee	13.57	5.43	3.26	2.16	1.88
North Coast	13.57	4.10	2.47	1.65	1.88
Hunter	11.75	2.65	1.60	1.07	1.63
South Coast	13.57	3.00	1.80	1.20	1.88

Table 4 Charges for unregulated rivers (Sydney Catchment Authority and Hunter Water Corporation)

Authority	Maximum annual charges (\$/ML of usage)
Sydney Catchment Authority	The charge derived by adding the entitlement and the usage portions of the two-part tariff for the South Coast in Table 3 (as modified by clause 6, if applicable).
Hunter Water Corporation	The charge derived by adding the entitlement and the usage portions of the two-part tariff for the Hunter in Table 3 (as modified by clause 6, if applicable).
Note 1	For example, under Table 4 the charge derived by adding the entitlement (\$1.80/ML or unit share) and the usage (\$1.20/ML) components of the two-part tariff for the South Coast in Table 3 is \$3.00/ML.
Note 2	For example, under Table 4 the charge derived by adding the entitlement (\$ 1.60/ML or unit share) and the usage (\$1.07/ML) portions of the two-part tariff for the Hunter in Table 3 is \$2.67/ML.

Schedule 3

Ground Water

1. Application

This Schedule sets the maximum prices that may be charged for the Corporation's Monopoly Services under a water licence that authorises the extraction of ground water, for the period to which this determination applies.

2. Categories for pricing purposes

The charges for the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule depend on whether or not:

- (a) the property to which the licence applies is in a monitored ground water management area; and
- (b) the licence holder is Hunter Water Corporation.

3. Maximum charges for properties in monitored ground water management areas (other than for Hunter Water Corporation)

For the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule for which the property to which the licence refers is in a monitored ground water management area (other than where the licence holder is Hunter Water Corporation), each of the following charges (and no other charges) may be made:

- (a) an entitlement charge (being a charge expressed in dollars per megalitre of entitlement or in dollars per unit share);
- (b) a usage charge (being a charge expressed in dollars per megalitre of water actually extracted); and
- (c) a base charge (being a charge expressed in dollars per property to which the licence applies (as defined by the Corporation)).

The maximum annual charges for the Corporation's Monopoly Services under a licence referred to in this clause are as set out in Table 5 (as amended by clause 6, if applicable) and Table 6, corresponding to:

- (a) the components identified in this clause; and
- (b) the water source or river valley for which the licence is issued,

and applied to the licence holder's entitlement, usage or property (as applicable) during the relevant year.

4. Maximum charges for properties not in monitored ground water management areas (other than for Hunter Water Corporation)

For the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule for which the property to which the licence refers is not in a monitored ground water management area (other than where the licence holder is Hunter Water Corporation), each of the following charges (and no other charges) may be made:

- (a) an entitlement charge (being a charge expressed in dollars per megalitre of entitlement or in dollars per unit share); and
- (b) a base charge (being a charge expressed in dollars per property to which the licence applies (as defined by the Corporation)).

The maximum annual charges for the Corporation's Monopoly Services under a licence referred to in this clause are as set out in Table 5 (as amended by clause 6 of this Schedule, if applicable) and Table 6, corresponding to:

- (a) the components identified in this clause; and
- (b) the water source or river valley for which the licence is issued,

and applied to the licence holder's entitlement or property (as applicable) during the relevant year.

5. Maximum charges for Hunter Water Corporation

The maximum annual charge for the Corporation's Monopoly Services under a licence referred to in clause 1 of this Schedule held by Hunter Water Corporation is a usage charge expressed in dollars per megalitre of water actually extracted, for which the pricing is as set out in Table 7, and applied to the licence holder's usage during the relevant year.

6. Conversion factors

The entitlement charges for water access licences in Table 5 are to be multiplied by the following conversion factor:

Total volume (ML) water entitlement of all water licence holders (having regard to water availability) from the water source or river valley immediately after the introduction of the relevant water sharing plan

Divided by

Total volume (ML) water entitlement of all water licence holders (having regard to water availability) from the water source or river valley immediately before the introduction of the relevant water sharing plan.

Table 5 Charges for ground water (other than for Hunter Water Corporation)

Region/river valley	Maximum annual charges	
	Entitlement charge (\$/ML of entitlement or \$/unit share)	Usage charge (\$/ML)
Border	0.85	0.43
Gwydir	0.85	0.43
Namoi	0.85	0.43
Peel	0.85	0.43
Lachlan	1.37	0.71
Macquarie	1.37	0.71
Far West	1.51	0.75
Murray	1.36	0.69
Murrumbidgee	0.84	0.42
North Coast	1.51	0.75
Hunter	1.51	0.75
South Coast	1.51	0.75

Table 6 Base charges

	Maximum annual charges \$ per year
Base charge per property in monitored groundwater management areas	187.72
Base charge per property in areas other than monitored groundwater management areas	81.48

Table 7 Groundwater charges for Hunter Water Corporation

**Maximum annual charges
(\$/ML of usage)**

The charge derived by adding the entitlement and the usage portions of the two-part tariff for the Hunter in Table 5 (as modified by clause 6, if applicable).

Note: For example, the charge derived by adding the entitlement (\$1.51/ML) and the usage (\$0.75/ML) portions of the two-part tariff for the Hunter in Table 5 is \$2.26/ML.

Schedule 4

Definitions and Interpretation

1. Definitions

In this determination:

Commencement Date is defined in clause 2(c).

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

entitlement means the right, conferred by means of a water licence, to take and use a specified quantity of water.

floodplain harvesting access licence means a licence of that name within the meaning of the regulations made under the Water Management Act.

general security licence means:

- (a) a water access licence of any of the following types (within the meaning of section 57 of the Water Management Act and the regulations made under that Act):
 - (i) supplementary water access licence
 - (ii) the following conveyance access licences, to the extent that their unit shares of entitlement are general security under the relevant water sharing plan:
 - (1) regulated river (conveyance) access licence
 - (2) Murrumbidgee Irrigation (conveyance) access licence
 - (3) Coleambally Irrigation (conveyance) access licence
 - (iii) any other access licence that is not a high security licence; or
- (b) a Water Act water licence issued by the Corporation as a low security licence.

ground water means water accessed from an aquifer or other below-ground water source.

ground water management area means an area which the Minister has designated as a ground water management area, and for which the Minister has a current management plan in place.

high flow licence means a Water Act water licence issued by the Corporation as a high flow licence.

high security licence means:

- (a) a water access licence of any of the following types (within the meaning of section 57 of the Water Management Act and the regulations made under that Act):
 - (i) local water utility access licence
 - (ii) major utility access licence
 - (iii) domestic and stock access licence
 - (iv) regulated river (high security) access licence
 - (vi) the following conveyance access licences, to the extent that their unit shares of entitlement are high security under the relevant water sharing plan:
 - (1) regulated river (conveyance) access licence
 - (2) Murrumbidgee Irrigation (conveyance) access licence
 - (3) Coleambally Irrigation (conveyance) access licence; or
- (b) a Water Act water licence issued by the Corporation as a high security licence.

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

irrigation corporation has the meaning given to that term under the Water Management Act.

irrigator means a person who irrigates pursuant to a relevant approval, and includes an irrigation corporation.

Minister means the Minister administering the Water Management Act (or, where relevant, the Water Act).

Monopoly Services means the services defined as such in clause 1(d) of section 1 (Background) of this determination.

regulated river has the meaning given to that term under the Water Management Act.

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

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

unregulated river has the meaning given to that term under the Water Management Act.

water access licence means an access licence referred to in section 56 of the Water Management Act.

Water Act means the *Water Act 1912*.

Water Act water licence means any licence, permit or authority under Part 2, Part 5 or Part 9 the Water Act, to the extent that it authorises the extraction of water.

water licence means:

- (a) a water access licence; or
- (b) a Water Act water licence.

Water Management Act means the *Water Management Act 2000*.

water sharing plan means the water sharing provisions of a management plan for a water management area or water source under the Water Management Act.

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, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes all amendments or replacements of that law or statute.

2.2 Explanatory Notes

Explanatory notes do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.

2.3 Prices exclusive of GST

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

2.4 Billing cycle

For the avoidance of doubt nothing in this determination affects when a bill may be issued to a customer for prices or charges under this determination.

2.5 Annual charges

The annual charges in this determination apply in respect of each financial year (1 July to 30 June inclusive).

In respect of:

- (a) the period from the Commencement Date until 30 June 2006; and
- (b) any period after 30 June 2006 that is less than a full financial year,

the annual charges in this determination (other than those calculated by reference to usage) will be pro-rated for that period, based on the proportion that the number of days in that period bears to the number of days in the financial year.

2.6 Entitlement charges

- (a) A reference to an entitlement charge is a reference to an entitlement charge specified in a water licence without regard to any part of the entitlement that may be carried over from a previous year.
- (b) A reference to an entitlement charge:
 - (1) expressed in dollars per megalitre of entitlement is a reference to a charge expressed in dollars per megalitre of water which the licence states that the holder is entitled to extract in a year, under a Water Act water licence or a water access licence whose share component is expressed in megalitres; and
 - (2) expressed in dollars per unit share is a reference to a charge so expressed under a water access licence whose share component is expressed in unit shares.

2.7 Water sources and river valleys

In this determination, a reference to a water source or river valley is a reference to the relevant water source or valley set out in the following table:

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

Water Source or River Valley	Description
Lachlan	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Lachlan and Belubula River to the Murrumbidgee River junction
Macquarie	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Macquarie River, the Cudgegong and Bogen rivers to junction with Darling River
Murray	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Murray River including the Darling River below Menindee
Murrumbidgee	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Murrumbidgee River to junction with Murray River, including Yanco, Colombo and Billabong Creeks and Tumut River
North Coast	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Regulated flows for Iron Pot and Eden Creeks
Hunter	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Hunter River, including Patterson River and Glennies Creek
South Coast	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Brogo and Bega River Catchments
Unregulated Rivers	
Border	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Unregulated rivers in the Border Rivers Catchment
Gwydir	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Unregulated rivers in the Gwydir River Catchment
Namoi	Unregulated rivers in the Namoi River Catchment
Peel	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Unregulated rivers in the Peel River Catchment
Lachlan	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Unregulated rivers in the Lachlan River Catchment
Macquarie	If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan. In any other case: Unregulated rivers in the Macquarie, Castlereagh and Bogan River Catchments

Water Source or River Valley	Description
Far West	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Barwon-Darling from Mungindi to Menindee including Bogan River below Murrawombie Road, and those rivers west of Barwon-Darling River which originate in Queensland and minor unregulated rivers in the Western Division not in other valleys</p>
Murray	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Unregulated rivers in the Murray River Catchment, including Billabong Creek</p>
Murrumbidgee	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Unregulated rivers in the Murrumbidgee River Catchment</p>
North Coast	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Unregulated rivers east of the Great Dividing Range from Queensland to the Hastings River Catchment</p>
Hunter	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Unregulated rivers in the Hunter Region, including the Manning, Karuah and Williams Rivers</p>
South Coast	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Shoalhaven, Woronora, Warragamba and Hawkesbury/Nepean River Catchments, River Lake Illawarra, Sydney City including Georges River and Port Jackson, Clyde, Moruya, Tuross, Towamba and Bega River Catchments, NSW portions of Genoa and Snowy River Catchments</p>
Ground water	
Border	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Largely riverine aquifers in the Border Rivers Catchments including the Border Rivers Alluvium, the Inverell Basalt and the Great Artesian Basin</p>
Gwydir	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Largely riverine aquifers in the Gwydir River Catchment including the Lower Gwydir Alluvium and the Great Artesian Basin</p>
Namoi	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Largely riverine aquifers in the Namoi River Catchment including the Upper and Lower Namoi Alluvium, the Great Artesian Basin and the Gunnedah Basin</p>
Peel	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Largely riverine aquifers in the Peel River Catchment including the Peel Valley Alluvium and Fractured Rock</p>

Water Source or River Valley	Description
Lachlan	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Largely riverine aquifers in the Lachlan River Catchment including the Upper and Lower Lachlan Alluvium, Belubula Valley Alluvium, the Great Artesian Basin, Young Granite, Orange Basalt and the Central West Fractured Rocks</p>
Macquarie	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Largely riverine aquifers in the Macquarie, Castlereagh and Bogan River Catchments including the Upper and Lower Macquarie Alluvium, the Cudgegon Valley Alluvium, the Collaburrangundry Talbragar Valley, the Great Artesian Basin, Mudgee and Molong Limestone</p>
Far West	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: The Great Artesian Basin Aquifer and minor aquifers in the Western Division</p>
Murray	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Aquifers in the Murray River Catchment</p>
Murrumbidgee	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Aquifers in the Murrumbidgee River Catchment including the Lower Murrumbidgee Alluvium, Mid Murrumbidgee Alluvium and the Billabong Creek Alluvium</p>
North Coast	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Aquifers east of the Great Dividing Range from Queensland to the Hastings River Catchment including the Richmond River Alluvium, Richmond Coastal Sandbeds, Coffs Harbour Coastal Sands and Alluvium, Alstonville Basalt, Dorrigo Basalt, Clarence Moreton Basin, Hastings Coastal Sands, Hastings River Alluvium, Macleay River Alluvium, Bellinger Coastal Sandbeds and Viney Creek Alluvium</p>
Hunter	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Aquifers in the Hunter Region, including the Manning and Karuah River Catchments including Tomago-Tomaree Sandbeds, Stuarts Points and Tributaries Alluvium, the Pages River Alluvium, Golburn River Alluvium, Mangrove Mountain Sandstone and Wollombi Brook Alluvium</p>
South Coast	<p>If a water sharing plan under the Water Management Act is in place, then the water sources as defined in that plan.</p> <p>In any other case: Aquifers east of the Great Dividing Range from the NSW central coast to Victoria including Botany Sandbeds, Bega River Alluvium, Sydney Basin, Cocks River Sandstone and Fractured Rock, Blue Mountains Richmond Sandstone, Araluen Alluvium and Maroota Tertiary Sands</p>

A reference in this determination to "the relevant water source or river valley" is a reference to the water source or river valley for which the licence is issued (other than in the case of the usage component of a licence in the event of an inter-valley or inter-water source transfer of water, in which case it is the water source or river valley from which water is extracted).

NATIONAL PARKS AND WILDLIFE ACT 1974

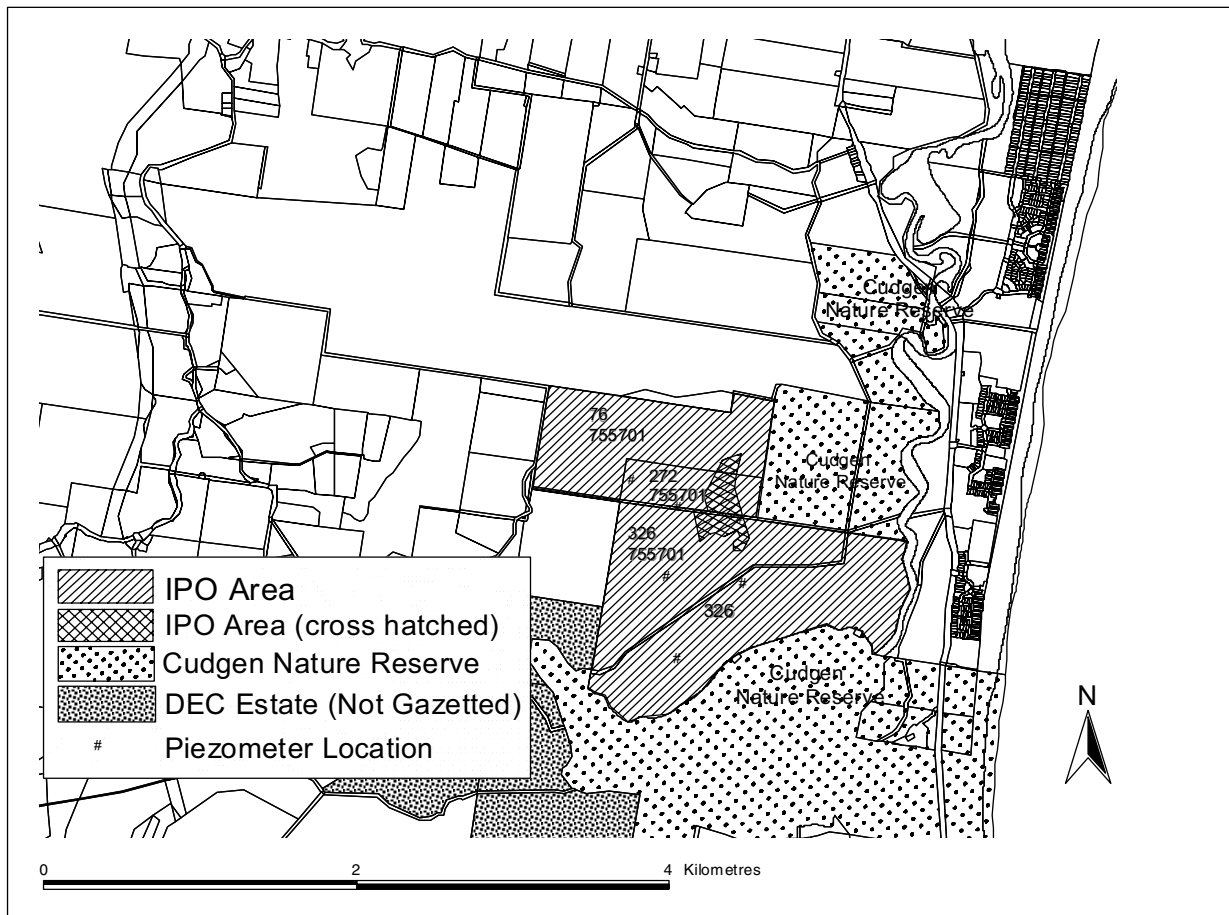
Amendment to Interim Protection Order

IN pursuance of section 91B of the National Parks and Wildlife Act 1974, I, BOB DEBUS, the Minister for the Environment, having considered a recommendation by the Director-General of the Department of Environment and Conservation, do hereby amend an Interim Protection Order, published in the *Government Gazette* on 1 December 2004 and taking effect on that day, in respect of the land described as Lot 76 in DP 755701, Lot 272 in DP 755701 and Lot 326 in DP 755701, by inserting the following further numbered point 3 under those matters appearing after the words "This Order does not prohibit:"

3. The installation of six (6) piezometers at the locations shown on the attached map "Diagram B". The piezometers shall be located to ensure no damage to any plant that is a threatened species. The installation of the piezometers, including the construction of access tracks to the site of the piezometers and the operation of the piezometers, shall be done in a manner that minimises damage to native vegetation and avoids threatened species and their habitats to the maximum extent practicable. For the purposes of this condition, "threatened species" means any species listed under the Threatened Species Conservation Act 1995."

BOB DEBUS,
Minister for the Environment

DIAGRAM B



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