

[insert cover]

Access Fee Determination South-West Renewable Energy Zone

[Access Right Holder] (as defined in the Access Payment Deed)

[Project] (as defined in EnergyCo's Access Rights Register)

Made under the *Electricity Infrastructure Investment Act 2020* (NSW)

[Date]

1 Introduction

1.1 Access Fees

- (a) In accordance with section 26 of the EII Act, this Determination sets out the Access Fees determined by the Consumer Trustee that are payable by the Access Right Holder to the Scheme Financial Vehicle and which are set out in the Access Fee Schedule.
- (b) The Access Fee Schedule forms a part of this Determination.
- (c) The Access Fees set out in the Access Fee Schedule include escalation at 2.5% per annum, compounded quarterly.
- (d) The Consumer Trustee may vary the Access Fee Schedule in accordance with section 3 (“Variation Process”) and revise the Access Fee Schedule in accordance with section 4 (“Revision to Access Fee Schedule”) of this Determination.

1.2 Access Fee Calculator

The Consumer Trustee has determined, and will determine any variations to, the Access Fees using the Access Fee Calculator (Project) in accordance with this Determination.

1.3 Payment of Access Fees

- (a) The Access Right Holder must pay the Access Fees for the Payment Term in accordance with the Access Payment Deed.
- (b) A variation to the Access PDA or Access Payment Deed after the date of this Determination that changes the Payment Term has no effect for the purposes of this Determination unless the variation is made with the approval of the Consumer Trustee.

1.4 Access Fees exclusive of GST

- (a) Access Fees set out in the Access Fee Schedule are exclusive of GST.
- (b) If GST is payable, or notionally payable, on a supply made in connection with this Determination, then:
 - (i) this Determination and the Access Fees set out in the Access Fee Schedule remain valid; and
 - (ii) the payment, or notional payment, of GST will be in accordance with the Access Payment Deed.

2 Variation Events

A “Variation Event” is the occurrence of an event after the date of this Determination which, in accordance with this section 2, results in a Changed Input Variable and gives rise to a change in the Access Fees.

2.1 Variation Event - Approved Maximum Capacity Change

- (a) An “**Approved Maximum Capacity Change**” occurs if the Infrastructure Planner approves a change to the Maximum Capacity in accordance with the Access PDA.
- (b) Subject to paragraph (d), an Approved Maximum Capacity Change may increase or decrease the Access Fee.
- (c) The Changed Input Variable in the Access Fee Calculator (Project) is “**Maximum Capacity**”.
- (d) A decrease to the Access Fee due to an Approved Maximum Capacity Change is limited to up to 5% of the Access Fee.

2.2 Variation Event - Scheme Term Extension

- (a) A “**Scheme Term Extension**” occurs if the term of the Access Scheme is extended in accordance with the Access Scheme Declaration.

- (b) A Scheme Term Extension will require payment of the Access Fee to continue for the period of the relevant extension of the Access Scheme.
- (c) The Changed Input Variable for a Scheme Term Extension in the Access Fee Calculator (Project) is “*Scheme End Date*”.

3 Variation Process

This section 3 applies if:

- (a) the Consumer Trustee has been notified by the Access Right Holder or the Infrastructure Planner that a Variation Event has occurred; or
- (b) the Consumer Trustee otherwise becomes aware that a Variation Event has occurred and has received confirmation from the Infrastructure Planner that the Variation Event has occurred.

3.1 Information required by the Consumer Trustee

- (a) Where one or more Variation Events occur, the Consumer Trustee requires the following information in order to vary the Access Fees:
 - (i) details of the relevant Variation Event(s), including details of the document and contractual process under which the Changed Input Variable(s) resulted;
 - (ii) the Variation Date;
 - (iii) the Changed Input Variable(s); and
 - (iv) any other information required under the EII Act and any guidelines issued by the Consumer Trustee (if applicable).
- (b) The Consumer Trustee may:
 - (i) request that the Access Right Holder and the Infrastructure Planner provide any information it requires under paragraph (a) and any further information relating to the relevant Variation Event(s); and
 - (ii) take any steps it reasonably considers necessary to verify the occurrence of, or accuracy of information it received relating to, the relevant Variation Event(s).

3.2 Variation of Access Fees

If the Consumer Trustee has received all information it requires under clause 3.1 (“Information required by the Consumer Trustee”), then, in accordance with the requirements of the EII Act and having regard to any guidelines issued by the Consumer Trustee (if applicable), the Consumer Trustee must:

- (a) vary the Access Fee (as relevant) by using the Access Fee Calculator (Project) immediately prior to the Variation Date and substituting in the relevant Changed Input Variables; and
- (b) issue to the Access Right Holder a revised Access Fee Schedule in accordance with section 4 (“Revision to Access Fee Schedule”).

4 Revision to Access Fee Schedule

4.1 Revised Access Fee Schedule

- (a) If the Consumer Trustee is required to revise the Access Fee Schedule under section 3.2 (“Variation of Access Fees”), then it must:
 - (i) provide the Access Right Holder with the revised Access Fee Schedule within 20 Business Days of receiving all information it requires under clause 3.1 (“Information required by the Consumer Trustee”);
 - (ii) ensure the revised Access Fee Schedule includes the Variation Date; and
 - (iii) provide a copy of the revised Access Fee Schedule to the Scheme Financial Vehicle and the Infrastructure Planner.

- (b) The Consumer Trustee may only revise the Access Fee Schedule under this Determination where, and to the extent, the Access Fee has been varied in accordance with section 3 (“Variation Process”).
- (c) The revised Access Fee Schedule forms a part of this Determination from the relevant Variation Date.

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5 Definitions

Term	Definition
Access Fee	Each fee set out in the Access Fee Schedule
Access Fee Calculator (Project)	The version of the Access Fee Calculator (Template) for the Project which contains: <ul style="list-style-type: none"> (a) input variables inserted by the Infrastructure Planner, and provided to the Consumer Trustee on <i>[insert date]</i>; and (b) where one or more Variation Events have occurred, the Changed Input Variables
Access Fee Calculator (Template)	The version of the “Access Fee Calculator” published by Consumer Trustee on <i>[insert date]</i> , available at <i>[insert link]</i>
Access Fee Schedule	The schedule of Access Fees annexed to, and part of, this Determination as Annexure 1 (“Access Fee Schedule”), including any revised schedule issued under section 4.1 (“Revised Access Fee Schedule”)
Access Payment Deed	The “Access Payment Deed” dated on or about the date of this Determination between the Scheme Financial Vehicle and the Access Rights Holder in respect of the Project
Access PDA	The “Access Project Development Agreement” dated on or about the date of this Determination, between the Infrastructure Planner and Access Right Holder in respect of the Project
Access Right	As defined in the Access Scheme Declaration
Access Right Holder	A person that holds an Access Right granted under the Access Scheme Declaration, being the person identified on the cover page of this Determination
Access Rights Network	As defined in the Access Scheme Declaration
Access Scheme	The access scheme declared under the Access Scheme Declaration
Access Scheme Declaration	The declaration made by the Minister for Energy in accordance with s 24(1) of the EII Act under the <i>Renewable Energy Zone (South-West) Access Scheme Order 2024</i> on 4 April 2024 and published in the NSW Government Gazette on 12 April 2024, as amended from time to time in accordance with the Access Scheme Declaration
Approved Maximum Capacity Change	As defined in section 2.1 (“Variation Event - Approved Maximum Capacity Change”) of this Determination
C&E Fee	Community and Employment Fee determined in accordance with section 26 of the EII Act as set out in the Access Fee Schedule
Changed Input Variables	The specified input variable used in the Access Fee Calculator (Project) which changes due to the occurrence of a Variation Event
EII Act	<i>Electricity Infrastructure Investment Act 2020</i>
GST	As defined in <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth)
Infrastructure Planner	The infrastructure planner for the South-West REZ, being Energy Corporation of New South Wales as appointed under the South-West REZ Declaration
Maximum Capacity	As defined in the Access PDA
NER	NER means the National Electricity Rules made under the National Electricity Law, as it is applied in New South Wales (including any amendments to the

Term	Definition
	application of the NER in NSW made under the EII Act or the Electricity Infrastructure Investment Regulation 2021 (NSW)).
Payment Term	As defined in the Access Payment Deed
Project	The project identified on the cover page of this Determination
Scheme End Date	The date the Access Scheme ends, as included in the Access Fee Calculator (Project)
Scheme Financial Vehicle	The scheme financial vehicle under the EII Act
Scheme Term Extension	As defined in section 2.2 (“Variation Event - Scheme Term Extension”) of this Determination
South-West REZ	The renewable energy zone declared under the South-West REZ Declaration
South-West REZ Declaration	The declaration made by the Minister for Energy under section 19 of the EII Act on 4 November 2022, as amended from time to time
Transgrid	NSW Electricity Networks Operations Pty Limited (ACN 609 169 959) as trustee for NSW Electricity Networks Operations Trust (ABN 70 250 995 390), trading as Transgrid.
Variation Date	The date a Variation Event occurred
Variation Event	As defined in section 2 (“Variation Events”) of this Determination

Annexure 1 Access Fee Schedule

Date (quarterly)	Access Fee Components			Total Access Fee
	C&E Fee (\$)	Administration Fee (\$)	Contribution to the NSW Electricity Infrastructure Roadmap (\$)	
[insert]	[insert]	[insert]	[insert]	[insert]
Total amount over the Payment Term	[insert]	[insert]	[insert]	[insert]

