

This paper provides information requested by Independent Pricing & Regulatory Tribunal (IPART) to facilitate its response to the letter from the Minister dated 13 May 2024.

IPART request

The Minister asked IPART to report on the following in its FY2023-24 Annual Report.

- local content commitments made and corresponding results to the Infrastructure Planner’s consideration of the Renewable Energy Sector Board’s Plan
- consultation with local Aboriginal communities, and income and employment commitments made and corresponding results for local Aboriginal communities due to Infrastructure Planner’s consideration of the First Nations Guidelines
- a summary of access rights that have been awarded in the past year, including for projects in the CWO and SW REZs.

Relevant information

As the Infrastructure Planner, EnergyCo’s input is summarised below.

Central-West Orana REZ

The CWO REZ is expected to create economic opportunities for the Central-West Orana region and for the State, including through local content requirements and the creation of jobs and employment opportunities.

The CWO REZ project is transitioning from the development phase to the delivery phase. EnergyCo published [Central-West Orana REZ Infrastructure Planner Recommendation Public Report](#) (‘CWO Report’) in May 2024.

Network Operator commitments

In December 2023, EnergyCo entered into a Commitment Deed with ACERREZ to design, build, finance, operate and maintain the CWO REZ network for the next 35 years.

Through its Industry and Aboriginal Participation Plan, ACERREZ has committed to targets for local content, learning workers, Aboriginal participation and underrepresented workers, consistent with the requirements of both The Renewable Energy Sector Board’s Plan and the First Nations Guidelines.

Generator commitments through the Access Scheme

The Project Development Agreement between EnergyCo and the Access Right Holder contains Social Licence Commitments that are aligned with the Renewable Energy Sector Board Plan requirements and targets for local content, industry and aboriginal participation. The Agreements will not be executed with generators until Q4 2024. Commitments will be reported on quarterly

once the contract is executed and then annually once the generation or storage project reaches commercial operations for the term of the Access Scheme.

The results of these commitments are expected to be available at a later stage.

South West REZ

The network infrastructure for South West REZ is being delivered by Transgrid through three projects:

1. Project EnergyConnect
2. HumeLink
3. VNI West

While the three project above are being delivered by Transgrid under the National Electricity Rules, EnergyCo is scoping the delivery of minor additional access right network infrastructure.

Generator commitments through the Access Scheme

As with the Central-West Orana REZ access scheme, the Project Development Agreement between EnergyCo and the Access Right Holder contains Social Licence Commitments that are aligned with the Renewable Energy Sector Board Plan requirements and targets for local content, industry and aboriginal participation. This was published in May 2024. The Agreements will not be executed with generators until Q1 2025. Commitments will be reported on quarterly once the contract is executed and then annually once the generation or storage project reaches commercial operations for the term of the Access Scheme.

Waratah Super Battery

The 'Priority Transmission Infrastructure Project Direction (Waratah Super Battery Project) Order 2022' requires Transgrid, as Network Operator, to deliver the Waratah Super Battery (WSB) Project. This includes preparing a First Nations Participation Plan and an Australian Industry Participation Plan, consistent with the Renewable Energy Sector Board Plan.

Transgrid is working with the System Integrity Protection Scheme (SIPS) Service Provider, Akaysha Energy, to prepare and implement both plans. The project is currently in the delivery phase and the results for both plans are expected to be available once the project construction is completed in 2025.

Other projects

Other REZs and priority transmission infrastructure projects are in their development phase during 2023-24. Network infrastructure recommendations, contracts and information about local content and aboriginal participation commitments are in development and will become available at a later stage.

Aboriginal consultation

In 2023-24, EnergyCo successfully recruited a manager to lead Aboriginal Coordination and Outcomes across the five REZs. EnergyCo recruited and provided CWO and New England REZs community facing roles, with plans to extend recruitment to include Hunter-Central Coast and South West REZs. These team members are delivering 1:1, targeted and sometimes bespoke engagement to meet the needs and requirements of the communities.

The team have been working closely with and supporting the aspirations of the Aboriginal Working Groups, providing culturally respectful and safe environments to allow for their voices and feedback to be heard. The team are collaborating with the community to deliver outcomes via the First Nation Fund (FNF), under the Community and Employment Benefit Program. The FNF aims to deliver projects, programs and infrastructure outcomes for Aboriginal Community Controlled Organisations (ACCOs) Local Aboriginal Land Councils (LALCs) and not-for-profit community organisations in CWO, to meet the objectives of the First Nation Guidelines and the EII Act objectives. Details of EnergyCo’s engagement activity with Aboriginal stakeholders are shown in the table below.

Central-West Orana REZ	New England REZ	South West REZ	Hunter-Central Coast REZ	Hunter Transmission Project	Waratah Super Battery
182 interactions, including hosting quarterly Aboriginal Working Group	13 meetings with representatives	South West REZ Regional Reference Group with representatives from Aboriginal Land Councils, local councils and regional NSW government agencies	First Nations working group to develop First Nations Guidelines	127 interactions, including 6 meetings or briefings	An onsite meeting and site inspection was held on 12 October 2022. Five Registered Aboriginal Parties attended the meeting.

Access rights

Below is a summary of EnergyCo’s key activities in relation to network access schemes in 2023-24:

- For the **Central-West Orana REZ**, EnergyCo assisted the Energy, Climate Change and Sustainability Group to deliver a package of reforms for the allocation of access rights, supported the Consumer Trustee’s competitive tenders for Long-Term Energy Service Agreements (LTESAs) for renewable energy generators and storage operators, opened the Application Process for the initial tranche of Access Rights, received applications for 7.7

GW of dispatchable capacity (6 GW of wind and solar, and 1.7 GW of standalone storage), and published the standard Project Development Agreement.

- For the **South West REZ**, EnergyCo assisted the Energy, Climate Change and Sustainability Group to revise the draft Access Scheme following earlier consultation and to secure the Minister for Energy's declaration of the Access Scheme (gazetted 12 April 2024); and worked with the Consumer Trustee to include access rights in LTESA Tender Round 5 (launched 22 May 2024), and opened the Application Process for the initial tranche of Access Rights for renewable energy generators and storage operators.
- For the **New England REZ**, EnergyCo commenced development of the Access Scheme.

EnergyCo did not award any access rights in the financial year 2023-24.

Table 1 Functions of the Infrastructure Planner under the EII Act

Function area	Ref ^a	Function ^b	Comments
Consultee about declarations of access regimes	Section 24(6)(a)	The Minister must consult with the Infrastructure Planner before the Minister declares an access scheme that will apply in a renewable energy zone, or part of a renewable energy zone.	<p>The refined Draft REZ (South West) Access Scheme Order 2024 was placed on public exhibition by the Minister from December 2023 to February 2024.</p> <p>On 19 December 2023, the Minister for Energy wrote to EnergyCo to formally consult as the Infrastructure Planner on the amended South West REZ access scheme declaration (in accordance with s24 of the EII Act). EnergyCo did not provide a formal submission to the Minister on the draft declaration as it had prepared the declaration with the Energy, Climate Change and Sustainability group and so was able to provide informal feedback in preparing the access scheme declaration.</p> <p>Similarly, EnergyCo helped the Energy, Climate Change and Sustainability group to draft a second amendment to the scheme, with a more detailed outline of network infrastructure, which was declared in April 2024.</p>
Orders prohibiting connection to network infrastructure	Section 29(1)	The Infrastructure Planner may, by order served on a relevant operator, prohibit the relevant operator from allowing a proponent to connect proposed infrastructure to the relevant operator's network infrastructure.	The Infrastructure Planner did not exercise this function in FY 2023-24.
	Sections 29(2)-(5)	<p>The Infrastructure Planner must seek and consider submissions from relevant parties^c, and must not make an order unless they are satisfied of the criteria in section 29(4) or if the proponent has development consent under the EP&A Act to construct and operate the proposed infrastructure.</p> <p>An order must apply to network infrastructure in a specified area within a renewable energy zone.</p>	The Infrastructure Planner did not exercise this function in FY 2023-24 as no order was made under section 29(1).
	Section 29(6)	The Infrastructure Planner is to publish guidelines on its website about the exercise of its functions under section 29.	Draft guidelines were published on the EnergyCo website in June 2022 and remain accessible there. There was no further exercise of this function in 2023-2024.

^a In this column, references to sections are to section of the EII Act, while references to clauses are references to clauses of the regulations.

^b In this column, references to the Regulator are to IPART for performance audit and annual report-related functions, to the EPA for functions under Part 12 of the EII Regulation, and otherwise to the Australian Energy Regulator for all other functions.

^c Section 29(3), the relevant operators in the local area, the proponent, and the local council in the local area.

Function area	Ref ^a	Function ^b	Comments
Recommend REZ network infrastructure projects for renewable energy zone	Section 30	The Infrastructure Planner for a renewable energy zone (currently EnergyCo) is to assess and make recommendations to the Consumer Trustee about REZ network infrastructure projects required for the renewable energy zone.	The Infrastructure Planner made recommendations in relation to the Main CWO REZ Network Infrastructure Project and CWO REZ Enabling REZ Network Infrastructure Project on 22 December 2023. A public report was made available on 22 May 2024 and the project was authorised by the Consumer Trustee on 4 June 2024.
Contracts	Section 63(4)(a)	The Infrastructure Planner has the function of contracting in connection with the exercise of its functions under the EII Act.	The Infrastructure Planner entered into a range of contracts to facilitate various Renewable Energy Zones (REZs) and Priority Transmission Infrastructure Projects (PTIPs). Details are provided in the EnergyCo Annual Report.
Generation, storage, and network infrastructure	Section 63(4)(b)-(c)	<p>The Infrastructure Planner is to investigate, plan, co-ordinate and carry out:</p> <ul style="list-style-type: none"> planning and design of generation infrastructure planning, design, construction, and operation of storage and network infrastructure. 	<p>EnergyCo participates in ongoing Joint Planning activities with AEMO and Network Service Providers (transmission and distribution) throughout NSW. Joint Planning is an important forum to contribute to network planning documents such as the Integrated System Plan. Joint Planning at a region-specific level also informs the development of all REZs and is central to the early development of the Hunter-Central Coast and Illawarra Renewable Energy Zones.</p> <p>For the Central-West Orana Renewable Energy Zone (CWO REZ), progress in planning, design and co-ordination through the 2023-24 financial year included:</p> <ul style="list-style-type: none"> In October 2023, \$128 million of funding was announced for the CWO REZ for community and employment benefits. In December 2023, EnergyCo entered into a commitment deed with a consortium comprised of ACCIONA, COBRA and Endeavour Energy (ACEREZ) as the preferred network operator for the REZ. ACEREZ has signed on to seek approval to design, build, finance, operate and maintain the REZ transmission network On 22 January 2024, EnergyCo announced that it would administer an expedited application process to allocate the initial tranche of access rights for generation and storage projects seeking access to the new CWO REZ. The access rights application process is now closed and applications are being assessed In June 2024, the CWO REZ project secured NSW planning approval in June 2024 (the first REZ to achieve this critical step) Preparing for Commonwealth approval under the EPBC Act, which was granted early in August 2024. <p>On the Hunter Transmission Project, public engagement on the preliminary transmission corridor occurred in late 2023. Following this engagement, the corridor was refined to reduce the number of affected landowners and maximise the use of existing mining lands. A scoping report was lodged by EnergyCo in May 2024, commencing the planning approval pathway.</p>

Function area	Ref ^a	Function ^b	Comments
			<p>For the New England REZ, EnergyCo finalised a revised transmission study corridor in March 2024. The revised corridor reduced the number of affected landowners in the study corridor and increased the usage of Government-owned land. Through the financial year, EnergyCo prepared a scoping report for a 1-kilometre-wide study corridor for the transmission lines, which was issued in August 2024.</p> <p>On the Waratah Super Battery, Akaysha Energy began construction in May 2023, with expected completion in 2025.</p>
General functions	Section 63(5)	<p>Where EnergyCo is appointed Infrastructure Planner, EnergyCo may exercise the functions it has under Part 4 of the <i>Energy and Utilities Administration Act 1987</i> as the Infrastructure Planner under the EII Act to the extent reasonably necessary to:</p> <p>(a) enable the Infrastructure Planner to exercise its functions under the EII Act, and</p> <p>(b) achieve the objects of the EII Act.</p>	<p>EnergyCo has exercised the following functions under the EUA Act:</p> <ul style="list-style-type: none"> Under section 15, EnergyCo has acquired lands under the Land Acquisition (Just Terms Compensation) Act 1991. Under section 18, EnergyCo has entered into contracts in connection with exercise of its functions as Infrastructure Planner. Major agreements are documented in the EnergyCo Annual Report. Under section 11(1)(c), EnergyCo has assisted and advised and made reports and recommendations to, the Minister in respect of matters relevant to the EUA Act.
	Section 63(7)	<p>As EnergyCo has been appointed the Infrastructure Planner, it may:</p> <ul style="list-style-type: none"> form, or participate in the formation of a private subsidiary corporation, acquire interests in private subsidiary corporations, and sell or otherwise dispose of interests in private subsidiary corporations. 	The Infrastructure Planner did not exercise this function in FY 2023-24.
Annual reports	Section 70	The Infrastructure Planner must, as soon as reasonably practicable after the end of each financial year, provide the Regulator with a report on the exercise of the functions under the Act during the financial year.	On 21 August 2024, the Infrastructure Planner provided a report on the exercise of its functions to IPART under the EII Act for FY 2023-24.
Delegation	Section 71(2)	The Infrastructure Planner may delegate its functions, other than the power of delegation, to a person.	
Request for advice	Clause 18(1)	The Infrastructure Planner may request that the Consumer Trustee provide advice about a network infrastructure project.	The Infrastructure Planner requested advice from the Consumer Trustee under section 60(4) of the EII Act in November 2023 and March 2024.

Function area	Ref ^a	Function ^b	Comments
			<p>Advice requested in November 2023 related to the New England REZ Network Infrastructure Projects and the optimal timing of the New England REZ Network Infrastructure in the modelling for the 2023 Infrastructure Investment Objectives Report.</p> <p>Advice requested in March 2024 requested the Consumer Trustee undertake wholesale electricity market modelling to inform the Infrastructure Planner's assessment of the net financial impact of the Hunter-Central Coast REZ and the New England REZ on NSW consumers.</p>
Transfer of network infrastructure	Clause 21(2)	If EnergyCo is the Infrastructure Planner in relation to transferred network infrastructure, it may make a recommendation to the authorisation provider ^d in relation to whether to give approval under clause 21(1)(c) of the EII Regulation.	The Infrastructure Planner did not exercise this function in FY 2023-24.
Contribution determination	Clause 39	The Infrastructure Planner must, if requested to do so by the Regulator, provide information to the Regulator that the Regulator considers reasonably necessary to enable the regulator to make a contribution determination.	In February 2024, the Australian Energy Regulator (AER) made a contribution determination under section 56(1) of the EII Act. EnergyCo provided data to the Scheme Financial Vehicle who provided that data to the Regulator to verify and test. This data enables the Regulator to make the contribution determination. The AER audited the data and used the data to calculate the final contribution determination.
Considerations	Clause 41 (s 63)	In exercising functions under Part 5 of the Act, the Infrastructure Planner must consider the guidelines issued by the Minister under section 4 (guidelines about consultation and negotiation with the local Aboriginal community) of the Act and the plan approved by the Minister under section 8 (Plan for NSW renewable energy sector) of the Act.	<p>The Minister for Energy issued the First Nations Guidelines and the Central-West Orana REZ region-specific First Nations Guidelines in August 2022. An updated version of the CWO specific guidelines was published in October 2023.</p> <p>The Office of Energy and Climate Change published the NSW Renewable Energy Sector Board's Plan in September 2022.</p> <p>EnergyCo made recommendations in relation to the Main CWO REZ Network Infrastructure Project and CWO REZ Enabling REZ Network Infrastructure Project on 22 December 2023. This included recommendations to the Consumer Trustee on whether to include conditions in the authorisations, in accordance with the First Nations Guidelines and the Renewable Energy Sector Board Plan.</p>
Functions of the Infrastructure Planner – access schemes	Clause 42C(1) (s 63(4)(d))	The Infrastructure Planner may request the Consumer Trustee to conduct a competitive tender in relation to the granting or increasing of access rights— (a) under an access scheme, and	The Infrastructure Planner did not exercise this function in FY 2023-2024, further to its request in the previous year.

^d The Consumer Trustee is the authorisation provider if it has provided an authorisation under section 31 of the EII Act to carry out a REZ network infrastructure project.

Function area	Ref ^a	Function ^b	Comments
		(b) in accordance with the declaration for the access scheme.	
	Clause 42C(2) (s 63(4)(d))	<p>The Infrastructure Planner for an access scheme must exercise:</p> <p>(a) the access scheme functions for the access scheme if the Infrastructure Planner is appointed to administer the access scheme, or</p> <p>(b) a particular access scheme function for the access scheme if the Infrastructure Planner is directed to exercise the function in the declaration for the access scheme.</p>	<p>The Infrastructure Planner exercised some of the access scheme functions under Schedule 1A of the EII Regulation in FY 2023-2024.</p> <p>For the CWO REZ Access Scheme, the exercised access scheme functions include:</p> <ul style="list-style-type: none"> On 31 August 2023, extending the term of the CWO REZ Access Scheme for 13 years after the initial term (clause 11) On 11 April 2024, commencing and conducting an application process for the grant of access rights. This process was still open at the end of FY 2023-24 (clause 5(1) and (4)) On 11 April 2024, making guidelines for the application process and publishing on its website the guidelines and eligibility criteria: (clause 5(2) and (3)) Consulting with the scheme financial vehicle and Consumer Trustee on the terms and conditions, including bonding arrangements, of a payment deed between the scheme financial vehicle and access rights holder (clause 7(2)) Administering the access scheme (clause 1) Giving notices and publishing information in relation to the scheme (clause 12(1)). <p>For the South West REZ access scheme, the exercised access scheme functions exercised include:</p> <ul style="list-style-type: none"> Giving the Consumer Trustee information relevant to the determining of access fees and the conduct of a competitive tender (clause 3(2)) Determination of the eligibility criteria of participants in a competitive tender in relation to the granting or increasing of access requires (clause 4) Administering the access scheme (clause 1). The following access scheme functions in the EII Regulation, Schedule 1A were not exercised in FY 2023-24: access rights register functions (clause 2) functions related to competitive tenders conducted by the infrastructure planner (clause 3(1)) functions related to the grant or increase of access rights (clause 6) functions related to recommendations of payment deeds (clause 7(1)) terminating access rights (clause 8) assessing and approving connections and disconnections (clause 9) final technical assessments (clause 10) functions relating to giving notices and information under (clause 12(2) and (3)) functions related to the amendment of access schemes under (clause 13).

Function area	Ref ^a	Function ^b	Comments
	Clause 42C(3) (s 63(4)(d))	The Infrastructure Planner must not exercise the following functions until it has published the standard development agreement— (a) to request the Consumer Trustee to conduct a competitive tender under subclause (1), (b) to conduct a competitive tender under Schedule 1A, clause 3(1), (c) to conduct an application process under Schedule 1A, clause 5(1). Clause 42C(4) provides that the functions set out in Schedule 1A to the EII Regulation are the access scheme functions for an access scheme.	The infrastructure planner published the standard development agreement, titled "Project Development Agreement template" on its website at: https://www.energyco.nsw.gov.au/industry/central-west-orana-rez-access-rights-application-process
Functions of the Infrastructure Planner – standard development agreement under access schemes	Clause 42CA (ss 63(4)(d), 66(5)(a))	Subclause (1) prescribes the content that the Infrastructure Planner must include in an agreement (a development agreement) between it and a participant for a project in relation to the grant or increase of access rights under the access scheme. The Infrastructure Planner must publish on its website the standard form and content of a development agreement (the standard development agreement) that includes the matters under subclause (1).	As above, standard development agreement was developed for the CWO REZ Access Scheme.
Functions of the Infrastructure Planner – particular renewable energy zones	Clause 42D (s 63(4)(d))	The Infrastructure Planner for a REZ to which an access scheme applies has the following functions: (a) to administer, manage and make payments of money held for use in relation to a community purpose or employment purpose, (b) make guidelines about the administration, management, and payment of money under this clause. Subclause (1) prescribes the conditions for which the functions apply.	In the financial year, the Infrastructure Planner prepared the Central-West Orana REZ Community and Employment Benefits Program, to be launched in July 2024. The Program will assess applications, and manage, administer, acquit and report funds allocated to community and stakeholder groups for community and employment purposes. Its preparation included Guidelines, a Policy Paper and Summary Policy Paper, all published on the EnergyCo website, and preparing workshops to help community groups prepare their applications. The Program will be funded from the TAF until access fees are collected from access right holders.
Assessments and recommendations by the Infrastructure Planner	Clause 43 (ss 30 and 63(4))	The Infrastructure Planner must assess and make recommendations about the following— (a) proposed REZ network infrastructure projects, (b) priority transmission infrastructure projects in relation to which the Infrastructure Planner is appointed,	The Infrastructure Planner made recommendations in relation to the Main CWO REZ Network Infrastructure Project and CWO REZ Enabling REZ Network Infrastructure Project on 22 December 2023. A public report was made available on 22 May 2024.

Function area	Ref ^a	Function ^b	Comments
		<p>(c) network operators who may be authorised or directed to carry out—</p> <p>(i) a REZ network infrastructure project, or</p> <p>(ii) a priority transmission infrastructure project</p> <p>(d) other persons who may assist the network operator to carry out—</p> <p>(i) a REZ network infrastructure project, or</p> <p>(ii) a priority transmission infrastructure project</p> <p>(e) the contractual arrangements that a network operator may be required to enter into to carry out a REZ network infrastructure project or priority transmission infrastructure project under an authorisation (the recommended contractual arrangements).</p> <p>The Infrastructure Planner may decide the extent of an assessment under the subclause (1) and how the assessment will be carried out, including whether to carry out a competitive assessment process. An assessment and recommendation made by the Infrastructure Planner in relation to a priority transmission project must be provided to the Minister.</p>	
	Clause 44 (s 30)	The technical specifications that the Infrastructure Planner must consider for REZ network infrastructure projects are prescribed in this clause.	<p>Under subclause (a), EnergyCo had prepared technical specifications, developed by both in-house technical experts and technical advisors. These were reflected in reference designs and specifications for requests for tender for projects. The specifications addressed matters including:</p> <ul style="list-style-type: none"> proposed routes of the network infrastructure, including substation locations connections between proposed and existing network infrastructure the operating voltages and network capacity of the network infrastructure. <p>Under subclause (b), EnergyCo ensured that the safety and reliability of electricity infrastructure were assessed, by including requirements for safety in the request for tender for projects. It also included a Network Operator Performance Regime that sets standards and commercial incentives to ensure an appropriate level of reliability of electricity supply.</p>

Function area	Ref ^a	Function ^b	Comments
			<p>Under subclause (c), the Network Operator is required to comply with the National Electricity Rules, which include requirements about security of electricity supply. For each REZ, EnergyCo may either (at its discretion) require the Network Operator to install system strength remediation as part of the specification for REZ Network Infrastructure or have generators connecting to the REZ to rely on the System Strength Service Provider for NSW.</p> <p>Under contractual arrangements between EnergyCo and network operators, EnergyCo can and does impose contractual obligations on relevant network operators to generally comply with the law when discharging the functions of network operator, which would include compliance with the National Electricity Rules.</p>
Competitive assessment process	Clause 45 (ss 30(5)(a) and 63(4))	<p>The Infrastructure Planner may carry out a competitive assessment process in relation to—</p> <p>(a) a proposed REZ network infrastructure project, or</p> <p>(b) a priority transmission infrastructure project in relation to which the Infrastructure Planner is appointed.</p> <p>Subclauses (2)-(4) prescribe the requirements if the Infrastructure Planner carries out a competitive assessment process.</p> <p>If the competitive assessment process is for a contestable augmentation, the Infrastructure Planner may work with the network operator for the related project when carrying out the functions under subclauses (1)-(4).</p>	<p>EnergyCo carried out a competitive assessment process to select a Network Operator for the Central-West Orana REZ network infrastructure project. EnergyCo recommended to the Consumer Trustee in December 2023 that ACERREZ be authorised as the Network Operator. The Consumer Trustee authorised ACERREZ in May 2024.</p> <p>In carrying out that competitive assessment process, EnergyCo:</p> <ul style="list-style-type: none"> Requested ACERREZ and Network REZolution to submit binding bids (consistent with the requirement to request a binding bid from two network operators) Developed eligibility criteria and a selection process, documented in the "Request for Procurement (RFP) Evaluation Plan" (consistent with the requirement to develop eligibility criteria and a selection process). The Plan was approved by the EnergyCo CEO after endorsement by the EnergyCo Advisory Committee and Executives, and the Evaluation Panel. Engaged with the Regulator both before and during the competitive procurement process (consistent with the requirement to consult with the Regulator and provide information about and obtained through the process). The Regulator advised after consultation that it was generally satisfied with the procurement strategy; offered comments on the RFP Evaluation Plan (which were considered prior to its finalisation); participated in the evaluation of the Network Operator proponents as an observer on the Evaluation Panel; and was invited to attend negotiations and other meetings during the First Ranked Proponent stage of the RFP evaluation process.
Consultee for revenue determinations	Clause 49(1)&(2) (s 38(10)(a))	<p>The Infrastructure Planner is to be consulted by the Regulator before the Regulator makes a revenue determination.</p> <p>The Infrastructure Planner must give the Regulator all information about an infrastructure project that the Regulator considers necessary to make the revenue determination, including—</p>	<p>EnergyCo provided information to the AER to support the following revenue determinations:</p>

Function area	Ref ^a	Function ^b	Comments
		(a) information about or obtained from a competitive assessment process, or (b) information relevant to determining an amount under clause 47E(3).	<ul style="list-style-type: none"> amounts to be paid to Transgrid for the paired generation services component of the Waratah Super Battery project (WSB), published by AER In December 2023 and remade in March 2024 to take into account an additional paired generation service provider. EnergyCo provided information about the procurement process and outcomes of the process consistent with the requirements in the Regulator's contestable revenue determination guideline amounts to be paid to Transgrid for the non-contestable components of the WSB project, published by AER in December 2023, EnergyCo provided information consistent with the requirements in the AER transmission efficiency test and revenue determination guideline for non-contestable network infrastructure projects.
Consultee before revenue determinations are published	Clause 53(3)	The Infrastructure Planner is to be consulted by the Regulator before the Regulator publishes a revenue determination on its website.	Revenue determinations for the Waratah Super Battery project (Paired Generation) required consultation by the AER with Infrastructure Planner before publishing. This consultation occurred in December 2023.
Consultee for review and remaking of revenue determinations for errors	Clause 54(2)(c)	The Infrastructure Planner is to be consulted by the Regulator before the Regulator reviews or remakes a revenue determination for the purposes of correcting an error prescribed in subclause (1).	There is no relevant event requiring such consultation for 2023-24.
Applying for a cost recovery declaration	Clause 54C(1)&(3)(a)	The Infrastructure Planner, as a 'relevant person' for the purposes of clause 54C, may apply to the Minister for a cost recovery declaration. The Infrastructure Planner is to be consulted by the Minister before the Minister makes a cost recovery declaration.	No cost recovery application made during 2023-24.
Consultee for annual audit plans	Clause 69(2)(a)	The Infrastructure Planner, as an 'audit subject' for the purposes of Part 13 of the EII Regulation, is to be consulted by the Regulator if the Regulator proposes to audit the Infrastructure Planner under the plan.	The Regulator (IPART) consulted with the Infrastructure Planner in April 2024, and the Infrastructure Planner provided a response to the Regulator.
Consultee for scope of audits	Clause 71(2)(a)(i)	The Infrastructure Planner, as an audit subject for the purposes of Part 13 of the EII Regulation, is to be consulted by the Regulator in determining the scope of the audit.	The Regulator (IPART) did not commence consultation on an audit scope in 2023-24.

Function area	Ref ^a	Function ^b	Comments
Consultee for performance audit guidelines	Clause 72(4)(a)	The Infrastructure Planner, as an audit subject for the purposes of Part 13 of the EII Regulation, is to be consulted by the Regulator in developing or reviewing the performance audit guidelines.	The Regulator (IPART) consulted with the Infrastructure Planner in April 2024, and the Infrastructure Planner provided a response to the Regulator.
Give information to the auditor	Clause 74	The Infrastructure Planner, as an audit subject for the purposes of Part 13 of the EII Regulation, must, if requested to do so by an auditor, provide information to the auditor that the auditor considers reasonably necessary for the audit.	The auditor did not request for information that it considers reasonably necessary for an audit in 2023-24.
Consultee for audit reports	Clause 75(2)(a)	The Infrastructure Planner, as an audit subject for the purposes of Part 13 of the EII Regulation, is to be consulted by the auditor before publishing an audit report.	The auditor did not commence consultation on an audit report in 2023-24.
Access scheme functions	Schedule 1A of the EII Regulation	This Schedule sets out the access scheme functions that the Infrastructure Planner must exercise if the requirements of clause 42C(2) are met.	Infrastructure Planner exercised relevant access scheme functions as set out in Clause 42C(2) (s 63(4)(d)) above in relation to both CWO REZ access scheme and SW REZ access scheme.