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of the State of

# New South Wales

# Number 508–Electricity and Water Wednesday, 1 November 2023

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### **ENERGY SAVINGS SCHEME (ELECTRICITY LOAD EXEMPTIONS) ORDER 2023**

### Under the

### **ELECTRCITY SUPPLY ACT 1995**

I, Penny Sharpe MLC, Minister for Energy, in pursuance of clauses 22(1)(b) of Schedule 4A of the *Electricity Supply Act 1995* (the Act) and being satisfied that each electricity load to which this Order applies is used in connection with an industry or activity that is both emissions intensive and trade exposed and that the exemptions are generally consistent with the objects of Part 1 of Schedule 4A of the Act, make the following Order.

Dated this day of October 2023.

PENNY SHARPE, MLC Minister for Energy

### **Explanatory note**

The objects of this Order are:

(a) to grant exemptions from the Energy Savings Scheme in respect of any electricity load used in connection with a specified activity, and

(b) to specify allowances that may be made by scheme participants in applying the exemptions, and

(c) to authorise the Scheme Regulator to make rules with respect to the exemptions granted by this Order (including rules relating to the assessment of deductions under Division 5 of Part 1 of Schedule 4A of the Act), and

(d) to revoke the previous order granting exemptions from the Energy Savings Scheme dated 19 December 2022 and published in the *NSW Government Gazette* on 23 December 2022.

This Order is made under clauses 22(1)(b) and 25(2) of Schedule 4A of the Act.

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# **ENERGY SAVINGS SCHEME (ELECTRICITY LOAD EXEMPTIONS) ORDER 2023**

under the

### ELECTRICITY SUPPLY ACT 1995

#### 1 Name of Order

This Order is the Energy Savings Scheme (Electricity Load Exemptions) Order 2023.

# 2 Commencement

This Order commences on 1 January 2024 and is required to be published in the *NSW Government Gazette*.

## **3** Exemptions

(1) Any electricity load used in connection with a specified activity set out in Column 1 of Schedule 1, at the corresponding location specified in Column 2 of Schedule 1, is either fully or partially exempt from the Energy Savings Scheme in Schedule 4A of the Act as specified in Column 3 of Schedule 1.

(2) For partial exemptions, the exempt proportion of each electricity load is specified in Column 4 of Schedule 1 (expressed as a percentage).

## 4 Allowances

In applying an exemption granted by this Order, a scheme participant may deduct from the total value of its liable acquisitions an allowance of 5% of the exempt proportion (specified in Column 5 of Schedule 1) for electricity losses occurring between the purchase of the electricity by the scheme participant and its use by an end user.

### **5** Rules

The Scheme Regulator is authorised to make rules with respect to the exemptions granted by this Order (including rules relating to the assessment of deductions under Division 5 of Part 1 of Schedule 4A of the Act). For these purposes, the *Energy Savings Scheme – Scheme Regulator Exemptions Rule No. 1 of 2016*, unless revoked, is deemed to be a rule made by the Scheme Regulator with respect to the exemptions granted by this Order.

### **6** Revocation

The order made under clause 22(1)(b) of Schedule 4A of the Act, published on 23 December 2022 in *NSW Government Gazette* No 591 is revoked in accordance with clause 25(2). In accordance with clause 25(3) of Schedule 4A of the Act, this revocation will take effect on 1 January 2024.

Column 1 Specified Activity	Column 2 Location (address)	Column 3 Type of exemption	Column 4 Exempt proportion (for partial exemptions)	Reference
				A.B.C. Paper &
	63 Redfern Street			Paper Mills Pty.
Tissue paper	WETHERILL	Partial		Limited - ABN 41
manufacturing	PARK NSW 2164	Exemption	90%	003 879 098
				Baybrick Pty
Rendering of	Regulator Road			Limited - ABN 97
animal by-	YANCO NSW	Partial		067 220 017
products	2703	Exemption	90%	
Rendering of	Muffett Street			Baybrick Pty
animal by-	SCONE NSW	Partial		Limited – ABN 97
products	2337	Exemption	90%	067 220 017

### **Schedule 1 Table of Exemptions**

Column 1 Specified Activity	Column 2 Location (address)	Column 3 Type of exemption	Column 4 Exempt proportion (for partial	Reference
			exemptions)	
				Bluescope Steel
Integrated iron	Five Islands Road	De st. 1		(AIS) Pty. Ltd.
and steel manufacturing	PORT KEMBLA NSW 2505	Partial Exemption	90%	– ABN 19 000 019 625
manufacturing	113 11 2303	Exemption	9070	Boral Shared
				Business Services
	125 Taylor Avenue			Pty Limited –
Production of	NEW BERRIMA	Partial	000/	ABN 31 000 373
clinker Manufacture of	NSW 2577	Exemption	90%	660 Borg
reconstituted	Lowes Mount Road			Manufacturing Pty
wood-based	OBERON NSW	Partial		Limited – ABN 31
panels	2787	Exemption	90%	003 246 357
				Causmag Ore
Production of	2 Park Avenue YOUNG NSW	Partial		Company Pty Ltd – ABN 73 004
magnesia	2594	Exemption	90%	- ABN 75 004 301 517
mugnesiu	2371	Exemption	2070	Cement Australia
	Arawata Drive			Holdings Pty Ltd
Production of	PORT KEMBLA	Partial		– ABN 99 001
clinker	NSW 2505	Exemption	90%	085 561
				Commonwealth Steel Company
Manufacture of	2 Maud Street			Pty Limited –
carbon steel from	WARATAH NSW	Partial		ABN 58 000 007
cold ferrous feed	2298	Exemption	90%	698
	55 G			CSR Building
Production of	55 Stennett Road INGLEBURN	Partial		Products Limited – ABN 55 008
glass wool	NSW 2565	Exemption	90%	631 356
8				Fletcher
				International
Rendering of	Lot 11 Yarrandale	D (1		Exports Pty Ltd –
animal by- products	Road DUBBO NSW 2830	Partial Exemption	90%	ABN 64 003 213 652
products	115 1 2050	Exemption	2070	Graymont
	Garthowen Road			(Australia) Pty Ltd
Production of	ATTUNGA NSW	Partial		- ABN 24 004
lime	2345	Exemption	90%	406 688
	78 Charbon Road,			Graymont (Australia) Pty Ltd
Production of	CHARBON NSW	Partial		- ABN 24 004
lime	2848	Exemption	90%	406 688
				Graymont
	342 Eubindal Road			(Australia) Pty Ltd
Production of	GALONG NSW	Partial	000/	- ABN 24 004
lime	2585	Exemption	90%	406 688 InfraBuild NSW
Manufacture of	22 Kellogg Road			Pty Ltd
carbon steel from	ROOTY HILL	Partial		– ABN 59 003
cold ferrous feed	NSW 2766	Exemption	90%	312 892
Manufacture of	Ingall Street			InfraBuild
carbon steel from	MAYFIELD EAST	Partial	90%	(Newcastle) Pty
cold ferrous feed	NSW 2304	Exemption	90%	Ltd

Column 1 Specified Activity	Column 2 Location (address)	Column 3 Type of exemption	Column 4 Exempt proportion (for partial exemptions)	Reference
				- ABN 50 623 285 718
Production of chlorine gas and sodium hydroxide (caustic soda) solution	16-20 Beauchamp Road MATRAVILLE NSW 2036	Partial Exemption	90%	Ixom Operations Pty Ltd – ABN 51 600 546 512
Production of ceramic floor and wall tiles	175 Racecourse Road RUTHERFORD NSW 2320	Partial Exemption	90%	National Ceramic Industries Australia Pty Limited – ABN 83 100 467 267
Packaging and industrial paper manufacturing	1891 Botany Road MATRAVILLE NSW 2036	Partial Exemption	90%	Opal Packaging Australia Pty Ltd – ABN 77 636 682 883
Production of ammonia	75 Greenleaf Road KOORAGANG ISLAND NSW 2304	Partial Exemption	90%	Orica Australia Pty Ltd – ABN 99 004 117 828
Production of ammonium nitrate	75 Greenleaf Road KOORAGANG ISLAND NSW 2304	Partial Exemption	90%	Orica Australia Pty Ltd – ABN 99 004 117 828
Production of ethene (ethylene)	16-20 Beauchamp Road BOTANY NSW 2036 16-20 Beauchamp	Partial Exemption	90%	Qenos Pty Ltd – ABN 62 054 196 771 Qenos Pty Ltd –
Production of polyethylene	Road BOTANY NSW 2036	Partial Exemption	90%	ABN 62 054 196 771
Production of polymer grade propene (polymer grade propylene)	16-20 Beauchamp Road BOTANY NSW 2036	Partial Exemption	90%	Qenos Pty Ltd – ABN 62 054 196 771
Production of dried distillers grains with solubles	160 Bolong Road BOMADERRY NSW 2541	Partial Exemption	90%	Honan Holdings Pty Ltd – ABN 31 000 392 727
Production of high purity ethanol	160 Bolong Road BOMADERRY NSW 2541	Partial Exemption	90%	Honan Holdings Pty Ltd – ABN 31 000 392 727
Production of hydrogen peroxide	20-22 McPherson Street BANKSMEADOW NSW 2019	Partial Exemption	90%	Solvay Interox Pty. Ltd. – ABN 70 000 882 137
Production of high purity ethanol	461 Beelbangera Road BEELBANGERA NSW 2680	Partial Exemption	90%	Tarac Technologies Pty Ltd – ABN 28 007 513 813
Rendering of animal by- products	1 Dampier Street WAGGA WAGGA NSW 2650	Partial Exemption	90%	Teys Australia Southern Pty Ltd – ABN 53 084 034 695

Column 1	Column 2	Column 3	Column 4	Reference
Specified	Location (address)	Type of	Exempt	
Activity		exemption	proportion (for	
			partial	
			exemptions)	
				Thomas Foods
				International
Rendering of	51-89 Phoenix			Tamworth Pty Ltd
animal by-	Street WESTDALE	Partial		– ABN 82 089
products	NSW 2340	Exemption	90%	140 634
				Tomago
				Aluminium
	638 Tomago Road			Company Pty Ltd
Aluminium	TOMAGO NSW	Partial		– ABN 68 001
smelting	2322	Exemption	90%	862 228
				Visy Glass
				Operations
	170 Andrews Road			(Australia) Pty Ltd
Production of	PENRITH NSW	Partial		– ABN 94 004
glass containers	2750	Exemption	90%	230 326
	158 McCredie			Visy Industries
Packaging and	Road			Australia Pty Ltd
industrial paper	SMITHFIELD	Partial		– ABN 74 004
manufacturing	NSW 2164	Exemption	90%	337 615
				Visy Industries
Packaging and	436 Gadara Road			Australia Pty Ltd
industrial paper	TUMUT NSW	Partial		– ABN 74 004
manufacturing	2720	Exemption	90%	337 615

# PEAK DEMAND REDUCTION SCHEME (ELECTRICITY LOAD EXEMPTIONS) ORDER 2023

### Under the

### **ELECTRCITY SUPPLY ACT 1995**

I, Penny Sharpe MLC, Minister for Energy, in pursuance of clause 93(1)(b) of Schedule 4A of the *Electricity Supply Act 1995* (the Act) and being satisfied that each electricity load to which this Order applies is used in connection with an industry or activity that is both emissions intensive and trade exposed and that the exemptions are generally consistent with the objects of Part 2 of Schedule 4A of the Act, make the following Order.

Dated this day of October 2023.

PENNY SHARPE, MLC Minister for Energy

### **Explanatory note**

The objects of this Order are:

(a) to grant exemptions from the Peak Demand Reduction Scheme in respect of any electricity load used in connection with a specified activity, and

(b) to specify allowances that may be made by scheme participants in applying the exemptions, and

(c) to authorise the Scheme Regulator to make rules with respect to the exemptions granted by this Order (including rules relating to the assessment of deductions under Division 3 of Part 2 of Schedule 4A of the Act).

(d) to revoke the previous order granting exemptions from the Peak Demand Reduction Scheme dated 19 December 2022 published in the *NSW Government Gazette* on 23 December 2022.

This Order is made under clauses 93(1)(b) and 96(2) of Schedule 4A of the Act.

# PEAK DEMAND REDUCTION SCHEME (ELECTRICITY LOAD EXEMPTIONS) ORDER

2023

under the

# ELECTRICITY SUPPLY ACT 1995

### 1 Name of Order

This Order is the Peak Demand Reduction Scheme (Electricity Load Exemptions) Order 2023.

# 2 Commencement

This Order commences on 1 November 2023 and is required to be published in the *NSW Government Gazette*.

# **3** Exemptions

(1) Any electricity load used in connection with a specified activity set out in Column 1 of Schedule 1, at the corresponding location specified in Column 2 of Schedule 1, is either fully or partially exempt from the Peak Demand Reduction Scheme in Schedule 4A of the Act as specified in Column 3 of Schedule 1 for the compliance period commencing on 1 November 2022 and ending on 31 March 2023.

(2) For partial exemptions, the exempt proportion of each electricity load is specified in Column 4 of Schedule 1 (expressed as a percentage).

## 4 Allowances

In applying an exemption granted by this Order, a scheme participant may deduct from the total value of its liable acquisitions an allowance of 5% of the exempt proportion (specified in Column 5 of Schedule 1) for electricity losses occurring between the purchase of the electricity by the scheme participant and its use by an end user.

### **5** Rules

The Scheme Regulator is authorised to make rules with respect to the exemptions granted by this Order (including rules relating to the assessment of deductions under Division 3 of Part 2 of Schedule 4A of the Act). For these purposes, the *Peak Demand Reduction Scheme – Scheme Regulator Exemptions Rule No. 1 of 2022*, unless revoked, is deemed to be a rule made by the Scheme Regulator with respect to the exemptions granted by this Order.

### **6** Revocation

The order made under clause 93(1)(b) of Schedule 4A of the Act, published on 23 December 2022 in *NSW Government Gazette* No 591 is revoked in accordance with clause 96(2). In accordance with clause 96(3)(b) of Schedule 4A of the Act this revocation will take effect on 1 November 2023.

Column 1 Specified Activity	Column 2 Location (address)	Column 3 Type of exemption	Column 4 Exempt proportion (for partial exemptions)	Reference
Tissue paper manufacturing	63 Redfern Street WETHERILL PARK NSW 2164	Partial Exemption	90%	A.B.C. Paper & Paper Mills Pty. Limited – ABN 41 003 879 098
Rendering of animal by- products	Regulator Road YANCO NSW 2703	Partial Exemption	90%	Baybrick Pty Limited – ABN 97 067 220 017

## **Schedule 1 Table of Exemptions**

Column 1 Specified Activity	Column 2 Location (address)	Column 3 Type of exemption	Column 4 Exempt proportion (for partial exemptions)	Reference
Rendering of	Muffett Street			Baybrick Pty
animal by-	SCONE NSW	Partial		Limited – ABN 97
products	2337	Exemption	90%	067 220 017
				Bluescope Steel
Integrated iron	Five Islands Road			(AIS) Pty. Ltd.
and steel	PORT KEMBLA	Partial		– ABN 19 000
manufacturing	NSW 2505	Exemption	90%	019 625
Production of	125 Taylor Avenue NEW BERRIMA	Partial		Boral Shared Business Services Pty Limited – ABN 31 000 373
clinker	NSW 2577	Exemption	90%	660
Manufacture of reconstituted wood-based panels	Lowes Mount Road OBERON NSW 2787	Partial Exemption	90%	Borg Manufacturing Pty Limited – ABN 31 003 246 357 Causmag Ore
Production of magnesia	2 Park Avenue YOUNG NSW 2594	Partial Exemption	90%	Company Pty Ltd - ABN 73 004 301 517
Production of clinker	Arawata Drive PORT KEMBLA NSW 2505	Partial Exemption	90%	Cement Australia Holdings Pty Ltd – ABN 99 001 085 561
Manufacture of carbon steel from cold ferrous feed	2 Maud Street WARATAH NSW 2298	Partial Exemption	90%	Commonwealth Steel Company Pty Limited – ABN 58 000 007 698
Production of glass wool	55 Stennett Road INGLEBURN NSW 2565	Partial Exemption	90%	CSR Building Products Limited – ABN 55 008 631 356
Rendering of animal by- products	Lot 11 Yarrandale Road DUBBO NSW 2830	Partial Exemption	90%	Fletcher International Exports Pty Ltd – ABN 64 003 213 652
Production of lime	Garthowen Road ATTUNGA NSW 2345	Partial Exemption	90%	Graymont (Australia) Pty Ltd – ABN 24 004 406 688
Production of lime	78 Charbon Road, CHARBON NSW 2848	Partial Exemption	90%	Graymont (Australia) Pty Ltd – ABN 24 004 406 688
Production of lime	342 Eubindal Road GALONG NSW 2585	Partial Exemption	90%	Graymont (Australia) Pty Ltd – ABN 24 004 406 688
Manufacture of carbon steel from cold ferrous feed	22 Kellogg Road ROOTY HILL NSW 2766	Partial Exemption	90%	InfraBuild NSW Pty Ltd – ABN 59 003 312 892

Column 1	Column 2	Column 3	Column 4	Reference
Specified	Location (address)	Type of	Exempt	
Activity		exemption	proportion (for partial exemptions)	
			<i>Fm</i> /	InfraBuild
				(Newcastle) Pty
Manufacture of	Ingall Street			Ltd
carbon steel from	MAYFIELD EAST	Partial		– ABN 50 623
cold ferrous feed	NSW 2304	Exemption	90%	285 718
Production of				
chlorine gas and	16-20 Beauchamp			I O I
sodium hydroxide	Road	De sel al		Ixom Operations
(caustic soda) solution	MATRAVILLE	Partial	90%	Pty Ltd – ABN 51 600 546 512
solution	NSW 2036	Exemption	90%	National Ceramic
	175 Racecourse			Industries
Production of	Road			Australia Pty
ceramic floor and	RUTHERFORD	Partial		Limited – ABN 83
wall tiles	NSW 2320	Exemption	90%	100 467 267
_		•		Opal Packaging
Packaging and	1891 Botany Road			Australia Pty Ltd
industrial paper	MATRAVILLE	Partial		– ABN 77 636
manufacturing	NSW 2036	Exemption	90%	682 883
	75 Greenleaf Road			Orica Australia
	KOORAGANG			Pty Ltd
Production of	ISLAND NSW	Partial	0.00/	– ABN 99 004
ammonia	2304	Exemption	90%	117 828
Production of	75 Greenleaf Road KOORAGANG			Orica Australia
ammonium	ISLAND NSW	Partial		Pty Ltd – ABN 99 004
nitrate	2304	Exemption	90%	- ABN 99 004 117 828
Intrate	16-20 Beauchamp	Exemption	2070	Qenos Pty Ltd –
Production of	Road BOTANY	Partial		ABN 62 054 196
ethene (ethylene)	NSW 2036	Exemption	90%	771
	16-20 Beauchamp			Qenos Pty Ltd -
Production of	Road BOTANY	Partial		ABN 62 054 196
polyethylene	NSW 2036	Exemption	90%	771
Production of				
polymer grade	16-20 Beauchamp	De sel al		Qenos Pty Ltd –
propene (polymer	Road BOTANY NSW 2036	Partial	90%	ABN 62 054 196 771
grade propylene) Production of	INS W 2030	Exemption	90%	//1
dried distillers	160 Bolong Road			Honan Holdings
grains with	BOMADERRY	Partial		Pty Ltd – ABN 31
solubles	NSW 2541	Exemption	90%	000 392 727
Production of	160 Bolong Road			Honan Holdings
high purity	BOMADERRY	Partial		Pty Ltd – ABN 31
ethanol	NSW 2541	Exemption	90%	000 392 727
	20-22 McPherson			
Production of	Street			Solvay Interox
hydrogen	BANKSMEADOW	Partial	0.001	Pty. Ltd. – ABN
peroxide	NSW 2019	Exemption	90%	70 000 882 137
Due due atiente f	461 Beelbangera			Tarac Tashralasing Pro
Production of high purity	Road BEELBANGERA	Partial		Technologies Pty Ltd – ABN 28 007
ethanol	NSW 2680	Exemption	90%	513 813
Cultanoi	110 11 2000	LACINPUOLI	7070	515 015

Column 1	Column 2	Column 3	Column 4	Reference
Specified	Location (address)	Type of	Exempt	
Activity		exemption	proportion (for	
			partial	
			exemptions)	Teys Australia
Rendering of	1 Dampier Street			Southern Pty Ltd
animal by-	WAGGA WAGGA	Partial		- ABN 53 084
products	NSW 2650	Exemption	90%	034 695
products	113 W 2050	Exemption	5070	Thomas Foods
				International
Rendering of	51-89 Phoenix			Tamworth Pty Ltd
animal by-	Street WESTDALE	Partial		– ABN 82 089
products	NSW 2340	Exemption	90%	140 634
•				Tomago
				Aluminium
	638 Tomago Road			Company Pty Ltd
Aluminium	TOMAGO NSW	Partial		– ABN 68 001
smelting	2322	Exemption	90%	862 228
				Visy Glass
				Operations
	170 Andrews Road			(Australia) Pty Ltd
Production of	PENRITH NSW	Partial	0.00/	– ABN 94 004
glass containers	2750 158 McCredie	Exemption	90%	230 326
De alas sin e an d	100 million circuit			Visy Industries
Packaging and industrial paper	Road SMITHFIELD	Partial		Australia Pty Ltd – ABN 74 004
manufacturing	NSW 2164	Exemption	90%	- ABN 74 004 337 615
manuracturing	110 11 2104	Exemption	7070	Visy Industries
Packaging and	436 Gadara Road			Australia Pty Ltd
industrial paper	TUMUT NSW	Partial		– ABN 74 004
manufacturing	2720	Exemption	90%	337 615