

PART 10 (PRESCRIBED TRANSPARENCY INFORMATION)

EXEMPTION APPLICATION FORM

If you experience any issues with accessibility of this document, please call 1300 585 165 or email AERnonschemeexemptions@aer.gov.au

Instructions

If the pipeline is owned, controlled or operated by a joint venture, please provide an attachment with the legal names and ACN / ABN for each of the entities involved.

Documents required to obtain a Part 10 (Prescribed transparency information) Exemption:

1. Complete Parts A, B and E of this form for new applications.
2. If the application is made by an authorised agent, proof of authority for the agent to act on behalf of named applicants.
3. Attach any additional information/documents that you consider substantiate that the pipeline meets the criteria for the exemption. This should include any information or documents required under any Exemption Guideline published by the AER and in force at the time of application.

If you are the service provider of a non-scheme pipeline that has been previously granted an exemption by the AER under Part 23 of the National Gas Rules (NGR), you will need to apply for a new exemption under Part 10 of the NGR before your exemption under Part 23 expires.

If a pipeline has been previously granted an exemption by the AER and would like the conditions of the exemption to be varied, complete Parts A, C and E of this form.

If a pipeline has been previously granted an exemption by the AER and would like the exemption to be revoked, complete Parts A, D and E of this form.

Applications marked attention Pipeline Administrator, can be submitted:

- electronically to AERnonschemeexemptions@aer.gov.au
- by post to GPO Box 3131, Canberra, ACT 2601

Dissemination of data provided

Data provided in Parts A, B, C and D together with any appendices and attachments will be included on the AER's public register. Part E will not be made public.

The entire application (Parts A, B, C, D and E) together with any appendices and attachments will be kept on file with the AER, including for the purposes of its gas scheme register.

If you have any concerns about information which is to be published on the public register, please contact the AER.

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Part A: Common Information

<i>This information will be included in the AER's public register.</i>	
APPLICANT(S) – Service Provider	
Legal Name <i>(if pipeline owned, controlled or operated by a joint venture, please also list all parties to the joint venture in an attachment)</i>	ACN / ABN
LYB AUSTRALIA LIMITED	055 563 785 / 87 055 563 785
Trading Name <i>(if different to Legal Name)</i>	
LYB Operations and Maintenance Pty Ltd (055 563 696 / 66 055 563 696)	
Registered Postal Address	
Bartons Lane, LOY YANG VIC 3844	
Normal Business Activity	
Electricity Generation	
PIPELINE SUBJECT TO THIS APPLICATION	
Pipeline Name	Licence Number <i>(if applicable, attach copy of licence)</i>
Loy Yang B Gas Transmission Pipeline	234
Current Ownership <i>(if a JV provide an attachment with list of entities)</i>	Transmission or Distribution?
LYB AUSTRALIA LIMITED	Transmission
Location <i>(provide map of location as attachment)</i>	
Traralgon	
Data below this point in this Part is not required for Application to Revoke Exemption	
Construction Details	Length and Diameter
	Length: 12.96km. Diameter: 323.9mm (Nominal diameter 12 inches)
Ownership History	Nameplate rating <i>(if transmission pipeline)</i> or Maximum daily capacity <i>(if distribution pipeline)</i>
Single owner since construction: LYB Australia Limited	Maximum allowable operating pressure:10.21MPa. Design capacity: 6.1TJ/hr
Description <i>(consistent with licence, if applicable)</i>	
The LYB lateral is single user facility. The pipeline is a third party access facility and is subject to a single gas transportation agreement with a Transportation facility user.	

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Part B: New Part 10 exemption information

<i>This information will be included in the AER's public register</i>			
CLASS OF EXEMPTION			
There are 2 categories of exemption:			
Category 1: exemption from the obligation to publish information under Division 2 Subdivision 2 Part 10 of NGR and exemption from the obligation to publish a user access guide (rule 105C(8) Part 11 of NGR) in relation to the pipeline.			
Category 2: exemption from the obligations to publish financial information, historical demand information and a cost allocation methodology under Rule 101D Part 10 of NGR.			
Exemption(s) sought (<i>can be more than one</i>)			
<input type="checkbox"/>	Category 1: The pipeline is not a third-party access pipeline		
<input checked="" type="checkbox"/>	Category 2: The pipeline is a single user pipeline or the following criteria apply: a) in the case of a transmission pipeline – the nameplate rating of the pipeline is less than 10 TJ/day; b) in the case of a distribution pipeline – the maximum daily capacity of the pipeline under normal operating conditions is less than 10 TJ/day.		
Have you previously applied for an exemption in relation to this pipeline (including under Part 23 of NGR)?			
<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
			If Yes, date of AER letter in response to application
Any further details and/or list of supporting documents (attached) pertaining to this application:			
<p>* We applied for a Part 24 Exemption on 5 April 2024 on the basis that the pipeline is a single shipper pipeline. The Conditional Exemption was granted on 15 May 2023. Please refer to the attached documentation.</p> <p>* Following a recent investigation into our compliance with the National Gas Rules for this single user pipeline, we identified that several obligations that were introduced into the NGR from ~2017/2018 were missed despite extensive due diligence activities at the time of the ownership changes in early 2018. This included the obligation to apply for a part 23 exemption. Had we been aware of the obligation at the time, we would have sought (and believe we would have been granted) Part 23 Exemption. This potential non-compliance was reported to the AER on 30 March 2023.</p>			
I confirm that I have attached all supporting documents to this application; if no, explain			
<input checked="" type="checkbox"/>	Yes	This includes a letter from AER regarding our Part 24 conditional exemption and a copy of the Pipeline licence which includes a site plan.	
<input type="checkbox"/>	No		
I declare I will notify the AER if circumstances change such that the pipeline no longer qualifies for the exemption			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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Part C: Variation of condition of existing exemption

<i>This information will be included in the AER's public register</i>	
Do you have a current exemption granted under Part 10? <small>Variations can only be made to existing exemptions which have been granted under Part 10. A service provider granted an exemption under Part 23 cannot use Part C to vary their exemption under Part 23 to an exemption under Part 10.</small>	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If Yes, date of AER approval	
Relevant exemption category or categories <i>(can be more than one)</i>	
<input type="checkbox"/>	Category 1: The pipeline is not a third-party access pipeline
<input type="checkbox"/>	Category 2: The pipeline is a single user pipeline or the following criteria apply: a) in the case of a transmission pipeline – the nameplate rating of the pipeline is less than 10 TJ/day; b) in the case of a distribution pipeline – the maximum daily capacity of the pipeline under normal operating conditions is less than 10 TJ/day.
Detail relevant existing condition(s), or alternatively attach document setting out conditions	
Reason(s) why the condition(s) should be varied and the proposed variation. Alternatively attach document with this information.	
Additional Comments	
I confirm that I have attached all supporting documents to this application; if no, explain	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	
I declare I will notify the AER if circumstances change such that the pipeline no longer qualifies for the exemption	<input type="checkbox"/> Yes <input type="checkbox"/> No

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Part D: Revocation of existing exemption

<i>This information will be included in the AER's public register</i>	
Date of AER approval	
Relevant exemption category or categories (<i>can be more than one</i>)	
<input type="checkbox"/>	Category 1: The pipeline is not a third-party access pipeline
<input type="checkbox"/>	Category 2: The pipeline is a single user pipeline or the following criteria apply: <ul style="list-style-type: none"> a) in the case of a transmission pipeline – the nameplate rating of the pipeline is less than 10 TJ/day; b) in the case of a distribution pipeline – the maximum daily capacity of the pipeline under normal operating conditions is less than 10 TJ/day.
Explain why the exemption should be revoked	
Additional Comments	
I confirm that I have attached all supporting documents to this application; if no, explain	
<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

