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New England REZ Access Scheme Declaration

Renewable Energy Zone (New England) Access Scheme Order
2026

under the

Electricity Infrastructure Investment Act 2020

Consultation Draft

June 2026

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Part A Introduction

1 Name of order

This Order is the *Renewable Energy Zone (New England) Access Scheme Order 2026*.

2 Commencement Date

This Order commences on the date that it is published in the Gazette.

3 Definitions

A term or expression:

- (a) which is defined in the Dictionary in Schedule 1 (Dictionary), has the meaning given to it in the Dictionary; and
- (b) which is defined in the *Act*, but is not defined in the Dictionary, has the meaning given to it in the *Act*.

4 Declaration of access scheme to apply to the New England REZ

The *New England REZ Access Scheme* set out in this Order is hereby declared for the purposes of section 24 of the *Act*.

5 Description of New England REZ Access Scheme

The ***New England REZ Access Scheme*** is the access scheme declared in this Order for the *access scheme network*, consisting of:

- (a) the *access rights regime* for the *access rights network*; and
- (b) the *access control mechanism* for the *access control network*.

6 Structure of this Order

In this Order:

- (a) this Part A (Introduction), Part D (Administration), Part E (Transitional Arrangements), Schedule 1 (Dictionary) and Schedule 4 (Initial eligibility criteria) apply to and regulate matters relating to the *access scheme network* as a whole, including both the *access rights network* and *access control network*;
- (b) Part B (Access Rights Regime), Schedule 2 (Access rights network) and Schedule 5 (Calculations) apply to and regulate access to the *access rights network* only; and
- (c) Part C (Access Control Mechanism) and Schedule 3 (Access control network) apply to and regulate access to the *access control network* only.

Part B Access Rights Regime

7 Access rights regime

- (a) This Order establishes the *access rights regime* for the *access rights network*.
- (b) A person may only submit an application to *connect* a *project* to the *access rights network* where:
 - (i) the *project* is an *approved project*; and
 - (ii) the person is registered as the *access right holder* for the *approved project* in the *access scheme register*.
- (c) A *network operator* must not make an offer to *connect* a *project* to the *access rights network* unless:
 - (i) the *project* is an *approved project*; and
 - (ii) the person seeking to *connect* the *approved project* is registered as the *access right holder* for that *approved project* in the *access scheme register*.
- (d) A person may only *connect* network infrastructure or plant or equipment that consumes electricity (other than a *project*) to the *access rights network* in accordance with clause 15 of this Order.
- (e) Nothing in this clause 7 prevents a *network operator* who owns or operates part of the *access rights network* from maintaining or augmenting that part of the *access rights network*.

8 Access rights

An ***access right*** is an authorisation that permits the *access right holder* to:

- (a) submit an application to *connect* the relevant *approved project* to a specified part of the *access rights network* in accordance with the terms of any applicable *access right agreement* and the *Rules*; and
- (b) to send out generation from the *approved project* into the *access rights network* in accordance with the terms of any applicable *access right agreement*, the relevant *connection agreement* and the *Rules* up to its *maximum capacity* for the relevant *capacity period*,

provided that clauses 8(a) and 8(b) do not in any way limit the *central dispatch process* in accordance with the *Rules* or AEMO's ability to dispatch an *approved project* above its *maximum capacity* during a *capacity period* for any reason including, but not limited to, a *lack of reserve* declaration under the *Rules*.

9 Granting of access rights and increases to maximum capacity

9.1 Grant of access rights

Subject to the rest of this clause 9, the *Infrastructure Planner* may grant an *access right* to an *eligible operator* or approve an increase in the *maximum capacity* of an *approved project* in any *capacity period* at its absolute discretion.

9.2 Procedure for the grant of access rights

Prior to commencing a process for the granting of *access rights (allocation process)*, the *Infrastructure Planner* must notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of:

- (a) the guidelines and *eligibility criteria* that apply to the *allocation process*;
- (b) the *network element(s)* the subject of the *allocation process*;
- (c) the *aggregate maximum capacity cap* for the *access rights network* (unless the *allocation process* is for the granting of *access rights* to *early access projects*);
- (d) the *network element capacity cap* for the relevant *network element(s)* (if any); and
- (e) the administrative and procedural arrangements relating to the carrying out of the *allocation process*.

9.3 Limits on grant of access rights and increases to maximum capacity

- (a) An *access right* may only be granted:
 - (i) to an *eligible operator*;
 - (ii) for an *eligible project* with specified *project characteristics*; and
 - (iii) for a *maximum capacity* in each *capacity period*.
- (b) The *Infrastructure Planner* may only grant an *access right*, approve an increase in the *maximum capacity* of an *approved project* for a *capacity period* or approve a material change in the *project characteristics* of an *approved project*, if it is satisfied that the grant or approval will not cause:
 - (i) a breach of the *aggregate maximum capacity cap* for that *capacity period*;
 - (ii) a breach of any relevant *network element capacity cap* for that *capacity period*;
 - (iii) the *forecast curtailment* on the *access rights network* to exceed the *target transmission curtailment level*; or
 - (iv) the *network element forecast curtailment* on a *network element* to exceed the applicable *target network element curtailment level*, if the *Infrastructure Planner* has notified a *target network element curtailment level* for that *network element* under clause 11(d).

9.4 Use of maximum capacity profiles

- (a) All *access rights* will be granted with a uniform *maximum capacity* amount across a single 24-hour day *capacity period*, unless a notice has been given by the *Infrastructure Planner* under clause 9.4(b)(iii).
- (b) The *Infrastructure Planner* may only grant an *access right* to an *eligible operator* for an *eligible project* or increase the *maximum capacity* of an *approved project* with different *maximum capacity* amounts for different *capacity periods* within a 24-hour day (a **maximum capacity profile**), if the *Infrastructure Planner* has:
 - (i) notified the *Consumer Trustee* and *access right holders*, and published a notice on its website, of:
 - (A) the proposed date from which the *Infrastructure Planner* may grant *access rights* or increase the *maximum capacity* of *approved projects* using *maximum capacity profiles*;
 - (B) the proposed *capacity periods*;
 - (C) the methodology for granting *access rights* or increasing *maximum capacity* for *approved projects* using *maximum capacity profiles*; and
 - (D) the consultation period during which submissions may be made by the *Consumer Trustee*, *access right holders* and the public with respect to the methodology notified under clause 9.4(b)(i)(C), which must not be less than 28 days;
 - (ii) considered any submissions received from the *Consumer Trustee*, *access right holders* and the public during the consultation period notified under clause 9.4(b)(i)(D); and
 - (iii) if the *Infrastructure Planner* decides to introduce *maximum capacity profiles*, notified the *Consumer Trustee* and *access right holders*, and published a notice on its website, of:
 - (A) the date from which the *Infrastructure Planner* will grant *access rights* or increase *maximum capacity* for *approved projects* using *maximum capacity profiles*;
 - (B) the *capacity periods*; and
 - (C) the methodology for granting *access rights* or increasing *maximum capacity* for *approved projects* using *maximum capacity profiles*.
- (c) Following a notification by the *Infrastructure Planner* in accordance with clause 9.4(b)(iii), existing *access right holders* will be deemed to have their relevant *maximum capacity* at the date notified under clause 9.4(b)(iii)(A) in each of the notified *capacity periods*. For the avoidance of doubt, this clause 9.4(c) does not limit an *access right holder's* obligations under clause 16.2(a) or affect the restriction in clause 9.3(a)(ii).
- (d) From the date notified under clause 9.4(b)(iii)(A), the grant of *access rights*, and any increase to the *maximum capacity* of *approved projects* under clause 9.1, must:

- (i) use *maximum capacity profiles* that specify a *maximum capacity* for each of the *capacity periods* notified under clause 9.4(b)(iii)(B); and
- (ii) be determined using the methodology for applying *maximum capacity profiles* published by the *Infrastructure Planner* under clause 9.4(b)(iii)(C),

and any recommendation by the *Consumer Trustee* to grant an *access right* to an *eligible operator* or to approve an increase in the *maximum capacity* of an *approved project* in any *capacity period* must be consistent with these requirements.

9.5 Basis for determining expected capacity profiles

The *Infrastructure Planner* must determine an *expected capacity profile* for a relevant *project* based on information that the *Infrastructure Planner* considers may be relevant to assist it in accurately forecasting the *project's* likely future generation profile, including, for example:

- (a) representative information for the relevant plant type from the *Integrated System Plan*;
- (b) market modelling;
- (c) the *project's* own forecast generation profile and *project characteristics*; and
- (d) in the case of an *approved project*, any historical *available capacity* and *sent out generation*.

9.6 Entry into access right agreements

An *eligible operator* must enter into:

- (a) an *access project development agreement* with the *Infrastructure Planner*; and
- (b) an *access payment deed* with the *Scheme Financial Vehicle*,

before their *eligible project* can be granted an *access right* and become an *approved project*.

9.7 Registration as evidence of grant

Registration by the *Infrastructure Planner* of an *access right* in the *access scheme register* under clause 29 is evidence of:

- (a) the grant of the *access right* to the relevant *access right holder* for the relevant *approved project*;
- (b) the *maximum capacity* of the *approved project* for any *capacity period*; and
- (c) any other details specified in the *access scheme register*.

10 Transfer capacity and capacity caps

- (a) The *Infrastructure Planner* must notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of the *aggregate maximum capacity*

cap or a *network element capacity cap* (as applicable) for a *capacity period* in accordance with clause 9.2.

- (b) The *Infrastructure Planner* may adjust the *aggregate maximum capacity cap* or a *network element capacity cap* for a *capacity period* from time to time by notifying the *Consumer Trustee* and *access right holders*, and publishing a notice on its website of the amended *aggregate maximum capacity cap* or *network element capacity cap* for the *capacity period*.
- (c) A notice from the *Infrastructure Planner* under this clause 10 must specify, as applicable:
 - (i) the indicative *transfer capacity* used to determine the *aggregate maximum capacity cap*; and
 - (ii) the *target network element curtailment level* used to determine a *network element capacity cap*.

11 Target curtailment levels

- (a) The *target transmission curtailment level* for the *access rights network* for the *initial term* is 4.92%.
- (b) The *Infrastructure Planner* may notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of a revised *target transmission curtailment level* to apply for any period of the *term* after the *initial term*.
- (c) The *Infrastructure Planner* may, in its absolute discretion, notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of a *target network element curtailment level* for any *network element* at any time during the *term*.
- (d) A *target network element curtailment level* notified under clause 11(c) during the *initial term* will apply for the remainder of the *initial term*. The *Infrastructure Planner* may notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of a revised *target network element curtailment level* to apply for any period of the *term* after the *initial term*.
- (e) Any change to the *aggregate maximum capacity cap* or a *network element capacity cap* for a *capacity period* will not affect the *target transmission curtailment level* or any *target network element curtailment level*.

12 Duration of access rights

All *access rights* granted under this Order expire on the expiry of the *term*.

13 Access fees

An *access right holder* must pay the *Scheme Financial Vehicle* the access fees determined by the *Consumer Trustee* in accordance with section 26 of the *Act* and the terms of the relevant *access right agreement*.

14 Connection to the access rights network

- (a) An *access right holder*, a *network operator* and any person proposing to *connect* generation or storage plant or a *co-located hybrid infrastructure project* to the *access rights network*, must comply with any *REZ access standards* or other applicable performance standards and any additional processes established to coordinate the *connection* of multiple plant to the *access rights network*, including for the collection and use of plant data, the development of *connection assets*, the modelling of compliance with any *REZ access standards* or any other applicable performance standards and assessing the system impacts of multiple *connections*:
 - (i) notified to *access right holders* and persons proposing to *connect* generation and storage plant or a *co-located hybrid infrastructure project* to the *access rights network* by the *Infrastructure Planner* or a *network operator*;
 - (ii) set out in a relevant *access right agreement*; or
 - (iii) as otherwise set out in the *Rules*.
- (b) The *Infrastructure Planner* may establish additional processes to coordinate the *connection* of *access right holders*, *network operators* and any person proposing to *connect* generation or storage plant or a *co-located hybrid infrastructure project* to the *access rights network*, including for the purposes set out in clause 14(a).

15 Connection to the access rights network by load or Network Service Providers

Any application by:

- (a) a *Network Service Provider* to *connect* a *transmission network* or *distribution network*; or
- (b) a person to *connect* plant that consumes electricity (other than generation or storage plant or a *co-located hybrid infrastructure project*),

to the *access rights network* may only proceed with the prior written approval of the *Infrastructure Planner*, in its absolute discretion, after having regard to the impact of the proposed *connection* on existing and future *access right holders* and the objects of the *Act*.

16 Project modifications

16.1 Maximum capacity

- (a) An *access right holder* may apply to the *Infrastructure Planner* for an increase in the *maximum capacity* of an *approved project* in a *capacity period* in accordance with the terms of the relevant *access right agreement*.
- (b) The *Infrastructure Planner* may only approve an increase in the *maximum capacity* of an *approved project* in a *capacity period* in accordance with clause 9.3(b) and the terms of the relevant *access right agreement*.

- (c) The *Infrastructure Planner* may reduce the *maximum capacity* of an *approved project* in any *capacity period* in accordance with the terms of the relevant *access right agreement*.
- (d) The *Infrastructure Planner* must update the *access scheme register* to record any increase or reduction in the *maximum capacity* of an *approved project* in a *capacity period*.

16.2 Project characteristics

- (a) An *access right holder* may only make a material change to the *project characteristics* of an *approved project* if the *access right holder* has applied to the *Infrastructure Planner* in accordance with the terms of the relevant *access right agreement* and the change has been approved by the *Infrastructure Planner*.
- (b) The *Infrastructure Planner* may only approve a material change in the *project characteristics* of an *approved project* in accordance with clause 9.3(b) and the terms of the relevant *access right agreement*.
- (c) A proposed change to the *project characteristics* of an *approved project* will be material if it will have a material impact on the *approved project's expected capacity profile*.
- (d) The *Infrastructure Planner* will have the absolute discretion to determine whether the impact on an *approved project's expected capacity profile* is material.
- (e) The *Infrastructure Planner* must update the *access scheme register* to record any approved change in the *project characteristics* of an *approved project*.

17 Transfer and termination of access rights

- (a) An *access right*, or any *maximum capacity* under an *access right*, may only be transferred or terminated in accordance with the terms of this Order and the *access right holder's relevant access right agreement*.
- (b) An *access right* is automatically terminated if an *access right agreement* entered into by the *access right holder* is terminated. Termination of an *access right agreement* does not affect any *maximum capacity* transferred in accordance with the terms of the *access right agreement* prior to the date of termination.
- (c) The *Infrastructure Planner* must update the *access scheme register* to record any transfer or termination of *access rights*, or transfer of *maximum capacity* under an *access right*, under clauses 17(a) or 17(b).
- (d) The *maximum capacity* under an *access right* terminated under clause 17(b) may be granted to one or more other *eligible operators* by the *Infrastructure Planner* in accordance with clause 9.

Part C Access Control Mechanism

[Drafting Note: It is intended that amendments will be made to the EII Regulation to facilitate the access control mechanism prior to the making of the final access scheme declaration]

18 Access control mechanism

- (a) This Order establishes the *access control mechanism* for the *access control network*.
- (b) A person may only submit an application to *connect* a *project* to the *access control network* where:
 - (i) the *project* is an *approved project*; and
 - (ii) the person is registered as the *access consent recipient* for the *approved project* in the *access scheme register*.
- (c) A *network operator* must not make an offer to *connect* a *project* to the *access control network* unless:
 - (i) the *project* is an *approved project*; and
 - (ii) the person seeking to *connect* the *approved project* is registered as the *access consent recipient* for that *approved project* in the *access control register*.

19 Access consents

An **access consent** is an authorisation that permits the *access consent recipient* to:

- (a) submit an application to *connect* the relevant *approved project* to a specified part of the *access control network* in accordance with the terms of any applicable *access consent agreement* and the *Rules*; and
- (b) to send out generation from the *approved project* into the *access control network* in accordance with the terms of any applicable *access consent agreement*, the relevant *connection agreement* and the *Rules*.

20 Granting of access consents

20.1 Grant of access consents

Subject to the rest of this clause 20, the *Infrastructure Planner* may grant an *access consent* to an *eligible operator* at its absolute discretion.

20.2 Procedure for the grant of access consents

Prior to commencing a process for the granting of *access consents* (**consent process**), the *Infrastructure Planner* must notify the *Consumer Trustee* and publish a notice on its website of the guidelines and *eligibility criteria* that apply to the *consent process*.

20.3 Limits on the grant of access consents

An *access consent* may only be granted:

- (a) to an *eligible operator*; and
- (b) for an *eligible project* with specified *project characteristics*.

20.4 Entry into access consent agreements

An *eligible operator* must enter into:

- (a) an *access project development agreement* with the *Infrastructure Planner*; and
- (b) an *access payment deed* with the *Scheme Financial Vehicle*,

before their *eligible project* can be granted an *access consent* and become an *approved project*.

20.5 Registration of evidence of grant

Registration by the *Infrastructure Planner* of an *access consent* in the *access scheme register* under clause 29 is evidence of:

- (a) the grant of the *access consent* to the relevant *access consent recipient* for the relevant *approved project*;
- (b) the *export capacity* of the relevant *approved project*; and
- (c) any other details specified in the *access scheme register*.

21 Duration of access consents

All *access consents* granted under this Order expire on the expiry of the *term*.

22 Access fees

An *access consent recipient* must pay the *Scheme Financial Vehicle* the access fees determined by the *Consumer Trustee* in accordance with section 26 of the *Act* and the terms of the relevant *access consent agreement*.

23 Connection to the access control network by Network Service Providers

Any application by a *Network Service Provider* to connect a *transmission network* or *distribution network* to the *access control network* may only proceed with the prior written approval of the *Infrastructure Planner*, in its absolute discretion, after having regard to the impact of the proposed *connection* on existing and future *access scheme participants* and the objects of the *Act*.

24 Project modifications

- (a) An *access consent recipient* may only make a material change to the *project characteristics* of an *approved project* if the *access consent recipient* has applied to the *Infrastructure Planner* in accordance with the terms of the relevant *access consent agreement* and the change has been approved by the *Infrastructure Planner*.
- (b) The *Infrastructure Planner* may only approve a material change in the *project characteristics* of an *approved project* in accordance with the terms of the relevant *access consent agreement*.
- (c) The *Infrastructure Planner* must update the *access scheme register* to record any approved change in the *project characteristics* of an *approved project*.

25 Transfer and termination of access consents

- (a) An *access consent* may only be transferred or terminated in accordance with the terms of this Order and the *access consent recipient's* relevant *access consent agreement*.
- (b) An *access consent* is automatically terminated if an *access consent agreement* entered into by an *access consent recipient* is terminated.
- (c) The *Infrastructure Planner* must update the *access scheme register* to record any transfer or termination of *access rights* under clauses 25(a) or 25(b).

Part D Administration

26 Infrastructure Planner to administer scheme

The *Infrastructure Planner* is appointed to administer the *New England REZ Access Scheme*.

27 Term of access scheme

- (a) The *Infrastructure Planner* must notify the *Consumer Trustee* and *access scheme participants*, and publish a notice on its website, of the *date of first connection*.
 - (b) The **initial term** is the period from the date of this Order to the date that is 25 years after the *date of first connection* (as notified under clause 27(a)).
 - (c) The *Infrastructure Planner* must consider whether to extend the *term* as soon as practicable following the date that is 5 years before the scheduled expiry of the *initial term* (or the scheduled expiry of any extension of the *term* notified under clause 27(d), as applicable).
 - (d) The *Infrastructure Planner* may extend the *term*, in its absolute discretion, by notifying the *Consumer Trustee* and *access scheme participants*, and publishing a notice on its website, of the extended *term*.
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28 Eligibility criteria

- (a) The *eligibility criteria* applicable as at the date of this Order are the *initial eligibility criteria* specified in Schedule 4 (Initial eligibility criteria).
 - (b) The *Infrastructure Planner* may determine updated *eligibility criteria*, in its absolute discretion.
 - (c) The *Infrastructure Planner* must notify the *Consumer Trustee* and *access scheme participants*, and publish a notice on its website, of the *eligibility criteria* that apply to an *allocation process* or *consent process* in accordance with clauses 9.2(a) and 20.2 (as applicable).
-

29 Access scheme register

- (a) The *Infrastructure Planner* must maintain an *access scheme register* that includes all relevant detail in relation to:
 - (i) each *access right*, which at a minimum must include:
 - (A) the identity of the *access right holder*;
 - (B) a description of the relevant *approved project*, including its location, plant type and *connection point*;
 - (C) the *maximum capacity* of the relevant *approved project* in each *capacity period*;
 - (D) the date of registration of the *access right*;

- (E) identification of any *REZ access standards* applicable to the *approved project*;
- (F) the relevant *network operator* for the part of the *access rights network* to which the *approved project* may *connect* or is *connected*;
- (G) whether the *approved project* is subject to clause 3.13.3(b2)(2) of the *Rules*; and
- (H) if the *access right* has been terminated or has otherwise expired, the date of termination or expiry; and
- (ii) each *access consent*, which at a minimum must include:
 - (A) the identity of the *access consent recipient*;
 - (B) a description of the relevant *approved project*, including its location, plant type and *connection point*;
 - (C) the *export capacity* of the relevant *approved project*;
 - (D) the date of registration of the *access consent*;
 - (E) the *part of the access control network* to which the *approved project* may *connect* or is *connected*;
 - (F) the relevant *network operator* for the part of the *access control network* to which the *approved project* may *connect* or is *connected*; and
 - (G) if the *access consent* has been terminated or has otherwise expired, the date of termination or expiry.
- (b) The *Infrastructure Planner* may, at its absolute discretion, include additional information in relation to an *access right* or *access consent* in the *access scheme register*, including any other relevant *project characteristics*.
- (c) The *Infrastructure Planner* must publish the *access scheme register* on its website.

30 Liabilities of the Scheme Financial Vehicle

30.1 Administration and operation costs

- (a) The *Scheme Financial Vehicle* is liable to pay all of the *Infrastructure Planner's* costs of administering and operating the *New England REZ Access Scheme* and performing its functions related to this Order, including:
 - (i) costs associated with:
 - (A) the administration, oversight and enforcement of this Order;
 - (B) the administration, oversight and enforcement of *access scheme agreements*;
 - (C) the administration of community and employment benefits; and

- (ii) an amount equal to the GST liability, if any, of the *Infrastructure Planner* payable to the Commissioner of Taxation in connection with a supply of *access rights* and *access consents* to *eligible operators* or an increase in *maximum capacity* or *export capacity* in respect of an *approved project*.
- (b) The *Scheme Financial Vehicle* must make the payments specified in clause 30.1(a) in accordance with principles and processes agreed between the *Scheme Financial Vehicle* and the *Infrastructure Planner*.

30.2 Other payments

The *Scheme Financial Vehicle* is liable to pay the *Infrastructure Planner*:

- (a) the component of access fees received by the *Scheme Financial Vehicle* and identified as being for community and employment purposes;
- (b) any payments received by the *Scheme Financial Vehicle* under an *access scheme agreement* for remediation of any non-compliance by the relevant *access scheme participant* with its obligations under the *access scheme agreement* relating to a community or employment outcome; and
- (c) an amount equal to the GST liability, if any, of the *Infrastructure Planner* payable to the Commissioner of Taxation in respect of amounts referred to in clauses 30.2(a) and 30.2(b).

31 Amendments to this Order

- (a) This Order may be amended in accordance with section 28 of the *Act* and this clause 31.
- (b) The *Minister* may amend this Order by publishing an order in the *Gazette* if the process specified below has been complied with:
 - (i) the *Minister* must seek advice from the *Infrastructure Planner* on a *declaration change proposal*;
 - (ii) prior to finalising its advice to the *Minister* on the *declaration change proposal*, the *Infrastructure Planner* must give notice to *access scheme participants* of the *declaration change proposal* and the consultation period during which submissions may be made by *access scheme participants*, which must not be less than 28 days;
 - (iii) following consideration of the submissions made during the consultation period notified under clause 31(b)(ii), the *Infrastructure Planner* must:
 - (A) provide advice to the *Minister* on:
 - (1) whether to proceed with the *declaration change proposal*;
 - (2) any proposed amendments to the *declaration change proposal*; and
 - (3) whether the *Infrastructure Planner* considers that the *declaration change proposal* will have a material adverse impact on any *access scheme participants*; and

- (B) publish a notice on its website setting out a summary of its advice to the *Minister*;
 - (iv) if the *Minister* wishes to proceed with the *declaration change proposal* following consideration of the advice from the *Infrastructure Planner* under clause 31(b)(iii)(A), the *Minister* must develop a final *declaration change proposal* and notify *access scheme participants* of the final *declaration change proposal*; and
 - (v) following such notification, the *Minister* may, subject to and in accordance with clause 31(c), implement the final *declaration change proposal* and publish an order in the *Gazette* amending this Order.
- (c) Where a final *declaration change proposal* would have a material adverse impact on an *access scheme participant*, this Order may only be amended if the *Infrastructure Planner* has first put the final *declaration change proposal* to a vote of the affected *access scheme participant(s)* in accordance with voting procedures notified by the *Infrastructure Planner* for that vote.
- (d) The voting procedures notified under clause 31(c) must require that the *access scheme participants* collectively holding at least 75% of the aggregate *maximum capacity* and *export capacity* that would be materially adversely impacted by the *declaration change proposal* must vote in favour of the *final declaration change proposal* before the *Minister* may implement it.

Part E Transitional Arrangements

32 Projects exempt from access rights regime

32.1 Exempt access right projects

- (a) Subject to clause 32.2, any person that:
- (i) at the date of this Order, is the *Registered Participant* under the *Rules* for a *project* that is *connected* to the *access rights network* or who has entered into a *connection agreement* with the relevant *network operator* in accordance with clause 5.3.7 of the *Rules*;
 - (ii) at the date of this Order, has received an offer to *connect a project* to the *access rights network* from the relevant *network operator* in accordance with clause 5.3.6 of the *Rules*, but has not yet entered into a *connection agreement* with the relevant *network operator* in accordance with clause 5.3.7 of the *Rules*; or
 - (iii) by 31 December 2026, has entered into:
 - (iv) an *LTES agreement*; or
 - (v) a *CIS agreement*,
 for a *project* that is or is to be *connected* to the *access rights network*,
- is not required to apply for or obtain an *access right* to *connect* or to maintain the *connection* of that *project* to the *access rights network*, or to operate and send out generation from the relevant *project* (an **exempt access right project**).
- (b) A person that owns or operates an *exempt access right project* must notify the *Infrastructure Planner* of the *maximum capacity* of their *exempt access right project* and any proposed *increases* in the *maximum capacity* of their *exempt access right project* as soon as reasonably practicable. A person must determine the *maximum capacity* of their *exempt access right project* based on the highest of the amount equivalent to *maximum capacity* specified in their *connection agreement*, offer to *connect*, *LTES agreement* or *CIS agreement* (as applicable) from time to time.
- (c) The *Infrastructure Planner* must consider the *maximum capacity* of the *exempt access right project*, the reasonable likelihood of the relevant *exempt access right project* being built and *connected* and the likely future generation profile of the *exempt access right project* in any relevant determination or calculation under this Order as if such *projects* were *approved projects* for the purposes of such determination or calculation, including:
- (i) in assessing whether to grant an *access right*, approve an increase in the *maximum capacity* of an *approved project* for a *capacity period* or approve a material change in the project characteristics of an *approved project*, under clause 9.3(b); and
 - (ii) in assessing the extent to which additional *maximum capacity* could be granted under *access rights* in all relevant *capacity periods*, without *forecast curtailment* exceeding the *target transmission curtailment* level or any applicable *target network element curtailment* level.

32.2 Application of access rights regime to certain exempt access right projects

- (a) A person referred to in clause 32.1(a)(iii) is taken to hold an *access right* only for the purposes of:
 - (i) clause 7(b) and clause 5.3.4(a1) of the *Rules*, but only to the extent necessary to allow the person to submit an *application to connect* to the *access rights network*; and
 - (ii) clause 7(c) and clause 5.3.6(a4) of the *Rules*, but only to the extent necessary to allow a *Network Service Provider* to make an offer to *connect* the person's facilities to the *access rights network*.
- (b) For the avoidance of doubt, a person referred to in clause 32.1(a):
 - (i) is not required to enter into *access right agreements* pursuant to clause 9.6;
 - (ii) is not entitled to the benefit of the *target transmission curtailment level* under clause 11; and
 - (iii) is not required to pay access fees pursuant to clause 13.

33 Projects exempt from access control mechanism

33.1 Exempt access control projects

- (a) Subject to clause 33.2, any person that:
 - (i) at the date of this Order, is the *Registered Participant* under the *Rules* for a *project* that is *connected* to the *access control network* or who has entered into a *connection agreement* with the relevant *network operator* in accordance with clause 5.3.7 of the *Rules*;
 - (ii) at the date of this Order, has received an offer to *connect* a *project* to the *access control network* from the relevant *network operator* in accordance with clause 5.3.6 of the *Rules*, but has not yet entered into a *connection agreement* with the relevant *network operator* in accordance with clause 5.3.7 of the *Rules*;
 - (iii) by 31 December 2026, has entered into:
 - (A) an *LTES agreement*; or
 - (B) a *CIS agreement*,
 for a *project* that is or is to be *connected* to the *access control network*; or
 - (iv) at the date of this Order, is the owner or operator of *project* that is:
 - (A) generation plant or a *co-located hybrid infrastructure project* with an *export capacity* below 30MW; or
 - (B) storage plant with an *export capacity* below 5MW,

is not required to apply for or obtain an *access consent* to *connect* or to maintain the *connection* of that *project* to the *access control network*, or to operate and send out generation from the relevant *project* (an **exempt access control project**).

- (b) If a *project* is an *exempt access control project*, the *Infrastructure Planner* is not required to take the *exempt access control project* (including the *export capacity* of such *exempt access control project*) into account when exercising its functions under this Order or the *Act*.

33.2 Application of access control mechanism to certain exempt access control projects

- (a) A person referred to in clause 33.1(a)(iii) or 33.1(a)(iv) is taken to hold an *access consent* only for the purposes of:
 - (i) clause 18(b) and clause 5.3.4(a2) of the *Rules*, but only to the extent necessary to allow the person to submit an *application to connect* to the *access control network*; and
 - (ii) clause 18(c) and clause 5.3.6(a5) of the *Rules*, but only to the extent necessary to allow a *Network Service Provider* to make an offer to *connect* the person's facilities to the *access control network*.
- (b) For the avoidance of doubt, a person referred to in clause 33.1(a):
 - (i) is not required to enter into *access consent agreements* pursuant to clause 20.4; and
 - (ii) is not required to pay access fees pursuant to clause 22.

34 Early access projects (access rights regime only)

34.1 Early access eligibility criteria

- (a) A person is eligible to participate in an *allocation process* conducted by the *Infrastructure Planner* under clause 34.2(a) if the person:
 - (i) is an *eligible operator*;
 - (ii) proposes to undertake a *project* that is:
 - (A) an *eligible project*; and
 - (B) seeking to *connect* to any part of the *Transgrid Existing Network*; and
 - (iii) at the date of this Order, has:
 - (A) submitted a complete and valid application to *connect* the *project* to the *Transgrid Existing Network* to *Transgrid* in accordance with clause 5.3.4 of the *Rules*; or
 - (B) had the environmental impact statement prepared for the *project* under the *Environmental Planning and Assessment Act 1979* (NSW) published on the *NSW Planning Portal* for public exhibition,
- (the **early access eligibility criteria**).

- (b) The *Infrastructure Planner* may update the *early access eligibility criteria* by publishing updated *early access eligibility criteria* on its website from time to time.

34.2 Application process for the grant of access rights for early access projects

- (a) The *Infrastructure Planner* may conduct an *allocation process* for the granting of *access rights* to *eligible operators* that meet the *early access eligibility criteria* prior to the authorisation of the *New England REZ RNIP*.
- (b) Subject to clause 34.3, the procedure for the granting of *access rights* under Part B (Access Rights Regime) will apply to an *allocation process* conducted under clause 34.2(a) (except for the requirement to publish the *aggregate maximum capacity cap* for the *access rights network* under clause 9.2(c)).

34.3 Target transmission curtailment level for early access projects

- (a) Clause 9.3(b) of this Order does not apply to an *allocation process* for the granting of *access rights* for proposed *early access projects* until the *Infrastructure Planner* determines that the following conditions have been met:
 - (i) the *New England REZ RNIP* has been authorised by the *Consumer Trustee* under the *Act*; and
 - (ii) a *network operator* has been appointed by the *Infrastructure Planner* to carry out the *New England REZ RNIP*.
- (b) The *Infrastructure Planner* must notify *access right holders* of *early access projects* once the conditions set out in clause 34.3(a) have been satisfied.
- (c) An *early access project* is not entitled to the benefit of the *target transmission curtailment level* under clause 11 until an *Infrastructure Planner* notification under clause 34.3(b) has occurred.

Schedule 1 Dictionary

access consent has the meaning given in clause 19.

access consent agreement means an *access project development agreement* and/or *access payment deed* for a *project* seeking *connection* to the *access control network*.

access payment deed means an agreement between the *Scheme Financial Vehicle* and an *eligible operator* that:

- (a) contains obligations relating to the payment of access fees and any other applicable terms and conditions; and
- (b) includes an acknowledgement that it is an *access scheme agreement* for the purposes of this Order.

access consent recipient means the person who holds an *access consent* granted under this Order, but excludes a person treated as holding an *access consent* under clause 33.2(a).

access control mechanism means the mechanism described in clause 18 that requires a *project* seeking access to the *access control network* to receive an *access consent*.

access control network means the electricity network described in Schedule 3 (Access control network).

access project development agreement means an agreement between the *Infrastructure Planner* and an *eligible operator* that:

- (a) contains obligations relating to the development or operation of a *project*, which may include the technical specification of the *project* and other *project characteristics*, construction milestones, *connection assets*, community and employment purposes and outcomes and any other applicable terms and conditions; and
- (b) includes an acknowledgement that it is an *access scheme agreement* for the purposes of this Order.

access right has the meaning given in clause 8.

access right agreement means an *access project development agreement* and/or *access payment deed* for a *project* seeking *connection* to the *access right network*.

access right holder means the person who holds an *access right* granted under this Order, but excludes a person treated as holding an *access right* under clause 32.2(a).

access rights network means the electricity network described in Schedule 2 (Access rights network).

access rights regime means the mechanism described in clause 7 that requires a *project* seeking access to the *access rights network* to hold an *access right*.

access scheme agreement means:

- (a) an *access consent agreement*; and/or

- (b) an *access right agreement*.

access scheme network means the specified electricity network infrastructure to which this Order applies, consisting of the *access control network* and *access rights network*.

access scheme participant means:

- (a) an *access right holder*; and/or
- (b) an *access consent recipient*.

access scheme register means the register established and maintained by the *Infrastructure Planner* in accordance with clause 29.

Act means the *Electricity Infrastructure Investment Act 2020* (NSW).

aggregate maximum capacity cap means the cap on the aggregate *maximum capacity* of all *approved projects* under the *access rights regime* during a *capacity period*, as determined and notified by the *Infrastructure Planner* from time to time in accordance with clause 10.

allocation process has the meaning given in clause 9.2.

approved project means:

- (a) in respect of the *access rights regime*, an *eligible project* for which an *eligible operator* has been granted an *access right* in accordance with this Order, but excludes a person treated as holding an *access right* under clause 32.2(a) other than for the purposes specified in clause 32.1(c); and
- (b) in respect of the *access control mechanism*, an *eligible project* for which an *eligible operator* has been granted an *access consent* in accordance with this Order, but excludes a person treated as holding an *access consent* under clause 33.2(a).

available capacity has the meaning given in the *Rules*.

capacity period means:

- (a) an intra-day period notified by the *Infrastructure Planner* in accordance with clause 9.4(a), and which may vary for days during different seasons; and
- (b) until a notification by the *Infrastructure Planner* under clause 9.4(b)(iii), a single 24-hour day.

central dispatch process has the meaning given in the *Rules*.

CIS agreement means a capacity investment scheme agreement between an *eligible operator* and the Commonwealth of Australia regarding long-term revenue support for a *project*.

co-located hybrid infrastructure project means a *project* that includes:

- (a) generation plant and storage plant; or
- (b) generation plant or storage plant and plant (other than generation or storage plant) that consumes electricity,

that is or will be *connected* at the same *connection point* to the *access scheme network*.

connect has the meaning given in the *Rules* and *connecting*, *connection* and *connected* have a corresponding meaning.

connection agreement has the meaning given in the *Rules*.

connection assets has the meaning given in the *Rules*.

connection point has the meaning given in the *Rules*.

consent process has the meaning given in clause 20.2.

Consumer Trustee has the meaning given under the *Act*.

date of first connection means the first date on which an *approved project* is *connected* to the *New England REZ RNIP* and capable of sending out generation to the *access rights network*.

declaration change proposal means a proposal to amend this Order:

- (a) specifying:
 - (i) the proposed amendments to this Order;
 - (ii) the reasons for the proposal, including any relevant supporting documents;
 - (iii) whether the Infrastructure Planner considers that the proposal will have a material adverse impact on access scheme participants and its reasons for this view, including if the Infrastructure Planner considers that the proposal will have a material adverse impact on access scheme participants, access right holders, and/or access consent recipients; and
 - (iv) the time period for consultation, which must not be less than 28 days, within which affected access scheme participants may make submissions on the proposal; and
- (b) made in accordance with clause 31(b)(ii).

early access eligibility criteria has the meaning given in clause 34.1(a).

early access project has the meaning given in clause 34.1(a).

eligibility criteria means any criteria specified in this Order or notified by the *Infrastructure Planner* under clause 28 from time to time that apply to:

- (a) the grant of *access rights* or approval of an increase in the *maximum capacity* of an *approved project* in any *capacity period* by the *Infrastructure Planner*; and/or
- (b) the grant of *access consents*.

eligible operator means a person that owns or operates an *eligible project* or *approved project* or proposes to own or operate an *eligible project* or *approved project*.

eligible project means:

- (a) in respect of the *access rights regime*, a proposed *project* that:
 - (i) *connects*, or will *connect*, to the *access rights network*; and
 - (ii) meets the *eligibility criteria* for the grant of an *access right* (as updated from time to time in accordance with clause 28(b)); and
- (b) in respect of the *access control mechanism*, a proposed *project* that:
 - (i) *connects*, or will *connect*, to the *access control network*; and
 - (ii) meets the *eligibility criteria* for the grant of an *access consent* (as updated from time to time in accordance with clause 28(b)).

exempt access control project has the meaning given in clause 33.1.

exempt access right project has the meaning given in clause 32.1.

expected capacity profile for a period, means in relation to a *project*, the *Infrastructure Planner's* forecast of that *project's* likely future generation profile over the relevant period determined in accordance with clause 9.5.

export capacity means, in relation to an *approved project* under the *access control mechanism*, the amount of MW specified as its export capacity in the *access scheme register*.

forecast curtailment means forecast curtailment on the *access rights network* or a *network element* (as the case may be) determined by the *Infrastructure Planner* in accordance with Schedule 5 (Calculations).

GST has the same meaning as in section 195-1 of the *A New Tax System (Goods and Services) Tax Act 1999* (Cth).

Infrastructure Planner means the Energy Corporation of New South Wales appointed as Infrastructure Planner for the *New England REZ* pursuant to clause 6 of the *New England REZ Declaration*.

initial eligibility criteria means the *eligibility criteria* specified in Schedule 4 (Initial eligibility criteria).

initial term has the meaning given in clause 27(b).

Integrated System Plan has the meaning given in the *Rules*.

LTES agreement has the meaning given in section 46(1) of the *Act*.

market-led augmentation means an augmentation that will increase the *transfer capacity* of the *access rights network* or a *network element* that is funded by one or more *eligible operators*.

maximum capacity means, in relation to an *approved project* under the *access rights regime*, the amount in MW specified as its maximum capacity in the *access scheme register* for a *capacity period*.

maximum capacity profile has the meaning given in clause 9.4(b).

Minister means the NSW Minister for Energy.

network element means a network element within the meaning given in the *Rules* that comprises part of the *access rights network*.

network element capacity cap means the cap on the *maximum capacity* of all *approved projects* that are *connected* to a *network element*, or that are *connected* to another *network element* but with power flows that are expected to utilise the *transfer capacity* of the first *network element*, during a *capacity period*.

network element forecast curtailment means *forecast curtailment* on a *network element* (as relevant) determined by the *Infrastructure Planner* in accordance with Schedule 5 (Calculations).

network operator has the meaning given in the *Act*.

Network Service Provider has the meaning given in the *Rules*.

New England REZ means the New England renewable energy zone declared in the *New England REZ Declaration*.

New England REZ Access Scheme means the access scheme declared in this Order for the *access scheme network* pursuant to clause 5.

New England REZ Declaration means the Renewable Energy Zone (New England) Order 2021 made under the section 19(1) of the *Act* published in NSW Government Gazette on 17 December 2021 (as amended from time to time).

New England REZ RNIP means the New England REZ network infrastructure project as authorised by the *Consumer Trustee* under the *Act*.

NSW Planning Portal has the meaning given in the *Environmental Planning and Assessment Act 1979* (NSW).

power system has the meaning given in the *Rules*.

project means generation or storage plant or a *co-located hybrid infrastructure project*.

project characteristics means:

- (a) a *project's* plant type;
- (b) a *project's* location; and
- (c) any other technical specifications which are specified as a *project characteristic* in a relevant *access scheme agreement*,

as modified in accordance with clauses 16.2 or 23.

Registered Participant has the meaning given in the *Rules*.

REZ access standards means technical requirements for *projects connecting* to the *access rights network*.

Regulations means regulations made under the *Act*.

Rules means the National Electricity Rules made under Part 7 of the National Electricity Law, as amended from time to time in accordance with Part 7 of the *National Electricity*

(NSW) Law or the *National Electricity (NSW) Act 1997* and as modified by the *Regulations*.

Scheme Financial Vehicle has the meaning given in the *Act*.

sent out generation has the meaning given in the *Rules*.

specified geographical area has the meaning given in the *New England REZ Declaration*.

target network element curtailment level means the percentage notified by the *Infrastructure Planner* in accordance with clause 11(c) as the 'target network element curtailment level' (or similar) for a *network element*.

target transmission curtailment level means the percentage specified in clause 11(a).

term means the term of the *New England REZ Access Scheme*, being the *initial term* as extended under clause 27(d) (as applicable).

transfer capacity has the meaning given in Schedule 5 (Calculations).

Transgrid means 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.

Transgrid Existing Network means network infrastructure in the *New England REZ* existing as at the date of this Order that is owned, operated or controlled by *Transgrid*, operates at nominal voltages 330kV and forms part of the *access rights network*.

Schedule 2 Access rights network

[Drafting Note: It is intended that the NE REZ Declaration will be amended to update the definition of specified network infrastructure to align with the below]

The following network infrastructure is specified as the *access rights network* for the purposes of this Order:

- (a) all planned, new and existing network infrastructure operating at nominal voltages of 330kV and above located in the *specified geographical area* of the *New England REZ* (including substations or parts of substations);
- (b) to the extent not specified in paragraph (a) above, all planned and new network infrastructure operating at nominal voltages of 500kV and connecting any substation within the *specified geographical area* of the *New England REZ* with Bayswater substation (but not including Bayswater substation);
- (c) all plant or equipment owned or operated by a *network operator* that is *connected* to or ancillary to the network infrastructure referred to in paragraphs (a) and (b) above (but not including any *connection assets* or substations); and
- (d) any repair, replacement, extension or augmentation of the network infrastructure specified in paragraphs (a), (b) and (c) that is owned or operated by a *network operator* (including any *market-led augmentation*).

Schedule 3 Access control network

[Drafting Note: It is intended that the NE REZ Declaration will be amended to update the definition of specified network infrastructure to align with the below]

The following network infrastructure is specified as the *access control network* for the purposes of this Order:

- (a) all planned, new and existing network infrastructure operating at nominal voltages of 132kV and located in the *specified geographical area* of the *New England REZ* (including substations or parts of substations);
- (b) all plant or equipment owned or operated by a *network operator* that is *connected* to or ancillary to the network infrastructure referred to in paragraph (a) above (but not including any *connection assets* or substations); and
- (c) any repair, replacement, extension or augmentation of the network infrastructure specified in paragraphs (a) and (b) that is owned or operated by a *network operator*.

Schedule 4 Initial eligibility criteria

- (a) The *initial eligibility criteria* set out in:
- (i) Table 1 will apply to the grant of *access rights* or approval of an increase in the *maximum capacity* of an *approved project* in any *capacity period* by the *Infrastructure Planner*; and
 - (ii) Table 2 will apply to the grant of *access consents*.
- (b) The *initial eligibility criteria* apply as at the date of this Order. The *Infrastructure Planner* may determine updated *eligibility criteria* from time to time under clause 28(b).

Table 1: Initial eligibility criteria for the grant of *access rights* or approval of an increase in the *maximum capacity* of an *approved project* in any *capacity period*

Criterion		Details
Plant type	Generation plant	(a) <i>Projects</i> that involve generation from a renewable energy source with a proposed <i>maximum capacity</i> of 30MW or above. For this purpose, multiple <i>projects</i> to be <i>connected</i> at the same <i>connection point</i> to the <i>access rights network</i> may aggregate the capacity of their <i>generating units</i>. (b) <i>Generation infrastructure projects</i> awarded a firming infrastructure <i>LTES agreement</i> or a <i>CIS agreement</i> on or after the date of this Order.
	Co-located hybrid infrastructure project	(a) <i>Projects</i> that involve generation from a renewable energy source with any proposed <i>maximum capacity</i>. (b) <i>Co-located hybrid infrastructure projects</i> awarded a firming infrastructure <i>LTES agreement</i> or a <i>CIS agreement</i> on or after the date of this Order.
	Storage plant	<i>Projects</i> that involve storage plant with any proposed <i>maximum capacity</i> .

Table 2: Initial eligibility criteria for the grant of access consents

Criterion		Details
Plant type	Generation plant	<i>Projects (of any export capacity) that involve generation from a renewable energy source.</i>
	<i>Co-located hybrid infrastructure project</i>	(a) <i>Projects that involve generation from a renewable energy source with any proposed export capacity.</i> (b) <i>Co-located hybrid infrastructure projects awarded a firming infrastructure LTES agreement or a CIS agreement on or after the date of this Order.</i>
	Storage plant	<i>Projects that involve storage plant with any proposed export capacity.</i>

Schedule 5 Calculations

Forecast curtailment

- (a) In relation to the *access rights network*, **forecast curtailment** is, for a *reference year*, the percentage calculated in accordance with the following formula:

$$\text{forecast curtailment (\%)} = \frac{\text{forecast curtailed electricity}}{\text{forecast potential sent out generation}}$$

Where:

forecast curtailed electricity means the amount of the *forecast potential sent out generation* (in MWh) that will not be sent out by *approved projects* in a reference year because the *forecast potential sent out generation* would exceed the *transfer capacity* of the *access rights network*. **Approved projects** in this calculation of *forecast curtailed electricity* will be taken to include:

- (i) for the purposes of an assessment under clause 9.3(b), the relevant *project* for which an *access right* or increase in *maximum capacity* or material change in *project characteristics* is being assessed under that clause; and
- (ii) for the purposes of an assessment relating to the additional *maximum capacity* resulting from a proposed *market-led augmentation*, the relevant project that relates to the proposed *market-led augmentation*.

forecast potential sent out generation means the generation (in MWh) that the *Infrastructure Planner* forecasts could be sent out by *approved projects* in a reference year if the *transfer capacity* of the *access rights network* was unlimited and the generation sent out by each *approved project* in a reference year was consistent with its *expected capacity profile*. **Approved projects** in this calculation of *forecast potential sent out generation* will be taken to include:

- (i) for the purposes of an assessment under clause 9.3(b), the relevant *project* for which an *access right* or increase in *maximum capacity* or material change in *project characteristics* is being assessed under that clause; and
- (ii) for the purposes of an assessment relating to the additional *maximum capacity* resulting from a proposed *market-led augmentation*, the relevant project that relates to the proposed *market-led augmentation*.

- (b) The *Infrastructure Planner* must select a reference year for the purposes of the calculation of *forecast curtailment*.

Network element forecast curtailment

- (c) In relation to a *network element*, **network element forecast curtailment** is, for a reference year, the percentage calculated in accordance with the following formula:

$$\text{network element forecast curtailment (\%)} = \frac{\text{network element forecast curtailed electricity}}{\text{network element forecast potential sent out generation}}$$

Where:

network element forecast curtailed electricity means the amount of the *network element forecast potential sent out generation* (in MWh) that will not be sent out by *approved projects* utilising the *network element* in the reference year because of

the *transfer capacity* of the *network element* being exceeded. **Approved projects** in this calculation of *network element forecast curtailed electricity* will be taken to include:

- (i) for the purposes of an assessment under clause 9.3(b), the relevant *project* for which an *access right* or increase in *maximum capacity* or material change in *project characteristics* is being assessed under that clause; and
- (ii) for the purposes of an assessment relating to the additional *maximum capacity* resulting from a proposed *market-led augmentation*, the relevant *project* that relates to the proposed *market-led augmentation*.

network element forecast potential sent out generation means the generation (in MWh) that the *Infrastructure Planner* forecasts could be sent out by *approved projects* utilising the *network element* in a reference year if the *transfer capacity* of the *network element* was unlimited and the generation by each relevant *project* in a reference year was consistent with its *expected capacity profile*. **Approved projects** in this calculation of *network element forecast potential sent out generation* will be taken to include:

- (i) for the purposes of an assessment under clause 9.3(b), the relevant *project* for which an *access right* or increase in *maximum capacity* or material change in *project characteristics* is sought under that clause; and
 - (ii) for the purposes of an assessment relating to the additional *maximum capacity* resulting from a proposed *market-led augmentation*, the relevant *project* that relates to the proposed *market-led augmentation*.
- (d) The *Infrastructure Planner* must select a reference year for the purposes of the calculation of *network element forecast curtailment*.
 - (e) An *approved project* will be taken to utilise a *network element* if the generation sent out from the *approved project* must flow across that *network element* in order to be transferred from the *access rights network* to any other *transmission network* to which the *access rights network* is connected.

Transfer capacity of the access rights network

- (f) The **transfer capacity** of the *access rights network* means the network capacity in MW resulting from the network capacity of the *New England REZ RNIP* in addition to the network capacity of the existing 330kV network infrastructure within the *specified geographical area*.
- (g) The *transfer capacity* of the *access rights network* may be revised and determined by the *Infrastructure Planner* at its discretion. In determining a revised *transfer capacity* of the *access rights network*, the *Infrastructure Planner* may take into account any additional capacity in the *access rights network* following:
 - (i) appointment of a *network operator* to carry out any addition, extension or augmentation to the *access rights network* (including a *market-led augmentation*) that affects the *transfer capacity*, under the *Act*. In making this determination, the *Infrastructure Planner* must take into account the technical specifications of any addition, extension or augmentation to the *access rights network*, in the relevant recommendation made under the *Act*;

- (ii) commitment of any other addition, extension or augmentation to the *access rights network* (including a *market-led augmentation*) not specified in paragraph (i);
 - (iii) on the commissioning of an addition, extension or augmentation to the *access rights network* (including a *market-led augmentation*) covered in paragraphs (g)(i) or (g)(ii); and
 - (iv) an increase in *transfer capacity* (in MW) created by a *market-led augmentation*.
- (h) For the purposes of determining the *aggregate maximum capacity cap* or a *network element capacity cap* under clauses 10(a) and 10(b) or assessing the relevant *project* for which a *market-led augmentation* is proposed, the *transfer capacity* applied in determining *forecast curtailed electricity* will include the assessment of *transfer capacity* under those clauses.

Transfer capacity of a network element

- (i) The ***transfer capacity*** of a *network element* means the capacity (in MW) to transfer electricity between that *network element* and another *network element* on the access rights network.
- (j) The *transfer capacity* of a *network element* may be revised and determined by the *Infrastructure Planner* at its discretion. In determining a revised *transfer capacity* of a *network element*, the *Infrastructure Planner* may take into account any additional capacity in the *network element* following:
 - (i) appointment of a *network operator* to carry out any addition, extension or augmentation to a *network element* (including a *market-led augmentation*) that affects the *transfer capacity* of that *network element* under the *Act*. In making this determination the *Infrastructure Planner* must take into account the technical specifications of the *network element*, and any addition, extension or augmentation to the *network element*, in the relevant recommendation made under the *Act*;
 - (ii) commitment of any other addition, extension or augmentation to a *network element* (including a *market-led augmentation*) not specified in paragraph (j)(i);
 - (iii) on the commissioning of an addition, extension or augmentation to a *network element* (including a *market-led augmentation*) covered in paragraphs (j)(i) or (j)(i); and
 - (iv) an increase in *transfer capacity* (in MW) created by a *market-led augmentation*.
- (k) In assessing a relevant *project* for a proposed *market-led augmentation*, the *transfer capacity* applied in determining *network element forecast curtailed electricity* will include the assessment of *transfer capacity* under clauses 10(a) and 10(b).

Outages

- (l) For the avoidance of doubt, the determination of *transfer capacity* of the *access rights network* or a *network element* under this Schedule 5 will not include any allowance for planned or unplanned outages or temporary reduced capacity of the

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access rights network or a network element, or any transmission network to which the access rights network is connected.