



Government Gazette

of the State of

New South Wales

Number 591–Electricity and Water

Friday, 23 December 2022

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Schedule of Water & Sewerage Charges Effective from 1 January 2023

Under Section 310 of the Water Management Act 2000 and Regulations, Essential Energy is required to set the maximum scale of charges to apply for the 6 months commencing on 1 January 2023 (in accordance with the IPART Determination and Final Report dated November 2022), as follows:

SCHEDULE 1 – WATER SUPPLY CHARGES

RESIDENTIAL - BROKEN HILL, MENINDEE, SUNSET STRIP and SILVERTON			
Access Charge		Usage Charge	
<i>Water Service Charge</i>	<i>Annual Access Charge (\$)</i>		<i>Charge cents / kL</i>
All meter sizes	\$360.38	Treated Water Usage Charge Any measured amount	198 c/kL
Unmetered Property All properties to be levied \$360.38 per property plus a deemed consumption of 300kL per annum		Untreated Water Usage Charge Any measured amount	173 c/kL
Unconnected Property All properties not connected to the water supply system - no charge		Chlorinated Water Usage Charge Any measured amount	154 c/kL

PIPELINE CUSTOMERS			
Access Charge		Usage Charge	
<i>Nominal Size of Water Service</i>	<i>Annual Access Charge (\$)</i>		<i>Charge cents / kL</i>
20mm	\$360.38	Untreated Water Usage Charge Any measured amount	120 c/kL
25mm	\$563.09		
32mm	\$922.57		
40mm	\$1,441.51		
50mm	\$2,252.36		
80mm	\$5,766.04		
100mm	\$9,009.43		
150mm	\$20,271.23		
For meter sizes not specified above:	(Meter Size) ² x (20mm service charge) ÷ 400		

NON RESIDENTIAL - BROKEN HILL, MENINDEE, SUNSET STRIP and SILVERTON			
Access Charge		Usage Charge	
<i>Nominal Size of Water Service</i>	<i>Annual Access Charge (\$)</i>		<i>Charge cents / kL</i>
20mm	\$360.38	Treated Water Usage Charge Any measured amount	198 c/kL
25mm	\$563.09		
32mm	\$922.57	Untreated Water Usage Charge Any measured amount	173 c/kL
40mm	\$1,441.51		
50mm	\$2,252.36		
80mm	\$5,766.04		
100mm	\$9,009.43		
150mm	\$20,271.23	Chlorinated Water Usage Charge Any measured amount	154 c/kL
For meter sizes not specified above:	(Meter Size) ² x (20mm service charge) ÷ 400		
Unmetered Property All properties to be levied \$360.38 per property plus a deemed consumption of 300kL per annum			
Unconnected Property – Vacant Land All properties not connected to the water supply system – no charge			

OPERATING MINES

<i>Operating Mine</i>	<i>Annual Access Charge (\$)</i>
Perilya Broken Hill Ltd	\$2,531,290.00
CBH Resources Ltd	\$610,583.00

Water Usage Charge

Water usage charge of 198 cents/kL for all treated water usage.

Water usage charge of 173 cents/kL for all untreated water usage.

SCHEDULE 2 – SEWERAGE and TRADE WASTE CHARGES

SEWERAGE SERVICE CHARGES CITY OF BROKEN HILL

Residential Land: The service charge shall be a fixed charge of \$574.23 per customer service connection per year. In respect of any chargeable land used as the site of a block of company or community title units or flats shall be treated as a single non-residential assessment.

Non Residential Land:

<i>Sewer Access Charge</i>	<i>Annual Access Charge (\$)</i>
<i>Nominal Size of Service</i>	
20mm	\$639.26
25mm	\$998.84
32mm	\$1,636.51
40mm	\$2,557.04
50mm	\$3,995.38
80mm	\$10,228.16
100mm	\$15,981.50
150mm	\$35,958.39
For meter sizes not specified above:	(Meter Size) ² x (20mm service charge) ÷ 400
Sewer Usage Charge	
All kilolitres	141 c/kL

Sewer Discharge Factor

An appropriate sewer discharge factor is applied to the final sewerage calculation for non-residential customers.

Unmetered property: The service charge shall be a fixed charge of \$574.23 per property which includes a deemed discharge allowance of 100kL per year.

Unconnected property: All properties not connected to the sewerage system – no charge.

SEWERAGE AND TRADE WASTE CHARGES FOR EACH OPERATING MINE

Residential: The sewerage service charge for mining company houses shall be \$574.23 per house.

Non-residential: The sewerage service charge shall be the non-residential service charge based on the water supply service connection meter size. The sewer usage charge shall be 141 cents/kL of non-residential discharge to the sewerage system.

Trade waste: Annual trade waste fee shall be \$1,769.58 for each operating mine.

Applicable trade waste usage charge or excess mass charge as detailed below.

These charges will apply until a liquid trade waste agreement has been implemented.

WATER AND SEWERAGE CHARGES IN RESPECT OF LANDS EXEMPT UNDER SCHEDULE 4

- i) **Water** - Land which is exempt from service access charges under Schedule 4 of the Act; shall be charged as follows:
- | | |
|---|--------------|
| Treated Water Usage Charge | |
| any measured amount | 198 cents/kL |
|
Untreated Water Usage Charge | |
| any measured amount | 173 cents/kL |
|
Chlorinated Water Usage Charge | |
| any measured amount | 154 cents/kL |
- ii) **Sewer** - Land which is exempt from service access charges under Schedule 4 of the Act; shall be charged on the sewer usage charge of 141 cents/kL times by the relevant Sewer Discharge Factor as per the DPE Liquid Trade Waste Management Guidelines 2021.

TRADE WASTE CHARGES FOR NON-RESIDENTIAL CUSTOMERS CITY OF BROKEN HILL

Trade Waste Charges

Category 1 (Low Risk. Nil or only minimal liquid trade waste pre-treatment equipment required)

Trade Waste application fee	\$260.65
Annual Trade Waste Fee (does not apply to a Mining Customer) (\$ per year)	\$105.58
Reinspection Fee	\$96.78
Non-compliant Trade Waste usage charge	\$0.79/kL

Category 1a (Low Risk. Require more sophisticated prescribed liquid trade waste pre-treatment equipment)

Trade Waste application fee	\$260.65
Annual Trade Waste Fee (does not apply to a Mining Customer) (\$ per year)	\$105.58
Reinspection Fee	\$96.78
Non-compliant Trade Waste usage charge	\$0.79/kL

Category 2 (Medium Risk. Require prescribed liquid trade waste pre-treatment equipment)

Trade Waste application fee	\$260.65
Annual Trade Waste Fee (does not apply to a Mining Customer) (\$ per year)	\$212.26
Re-inspection Fee	\$96.78
Compliant Trade Waste Usage Charge	\$0.79/kL
Non-compliant Trade Waste usage charge	\$7.26/kL

Annual food waste disposal charge (\$ per year)	\$32.99
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Category 3 (High Risk. Industrial and large volume dischargers)

Trade Waste application fee	\$260.65
Annual Trade Waste Fee (does not apply to a Mining Customer) (\$ per year)	\$710.48
Re-inspection Fee	\$96.78
Non-compliant excess mass charge	As per Trade Waste Policy
Charge for exceeding approved pH Range	As per Trade Waste Policy
Charge for exceeding approved BOD Range	As per Trade Waste Policy

Excess Mass Charge	\$/kg
Acid demand, pH>10	\$0.392
Alkali demand, pH<7	\$0.392
Aluminium (Al)	\$0.392
Ammonia (as Nitrogen)	\$1.197
Arsenic (As)	\$39.435
Barium (Ba)	\$19.415
Biochemical oxygen demand (BOD)	\$0.392
Boron (B)	\$0.392
Bromine (Br ₂)	\$7.849
Cadmium (Cd)	\$29.428
Chloride	No charge
Chlorinated hydrocarbons	\$19.415
Chlorinated phenolic	\$786.258
Chlorine (Cl ₂)	\$0.822
Chromium (Cr)	\$13.189
Cobalt (Co)	\$8.168
Copper (Cu)	\$8.168
Cyanide	\$39.435
Fluoride (F)	\$1.942
Formaldehyde	\$0.822
Grease and Oil (total)	\$0.703
Herbicides/defoliants	\$393.125
Iron (Fe)	\$0.822
Lead (Pb)	\$19.415
Lithium (Li)	\$3.944
Manganese (Mn)	\$3.944
Mercaptans	\$39.435
Mercury (Hg)	\$1,310.434
Methylene blue active substances (MBAS)	\$0.392
Molybdenum (Mo)	\$0.392
Nickel (Ni)	\$13.189
Nitrogen (N) (Total Kjeldahl Nitrogen)	\$0.102
Organoarsenic compounds	\$393.125
Pesticides general (excludes organochlorines and organophosphates)	\$393.125
Petroleum hydrocarbons (non-flammable)	\$1.316
Phenolic compounds (non-chlorinated)	\$3.944
Phosphorous (Total P)	\$0.822
Polynuclear aromatic hydrocarbons (PAH)	\$8.168
Selenium (Se)	\$27.622
Silver (Ag)	\$0.635
Sulphate (SO ₄)	\$0.077
Sulphide (S)	\$0.822
Sulphite (SO ₃)	\$0.877
Suspended Solids (SS)	\$0.498
Thiosulphate	\$0.136
Tin	\$3.944
Total Dissolved Solids (TDS)	\$0.026
Uranium	\$3.944
Zinc (Zn)	\$8.036

Non-compliant Excess Mass Charge

Essential Energy Policy
for the Discharge of
Liquid Trade Waste

Service No.	Description	2022/2023 Charge (No GST)
1	Conveyancing Certificate Statement of outstanding charges (s 41 Conveyancing (General) Regulation 2008) (a) Full Certificate with Meter Read (b) Updated Meter Read Request (Special Meter Read) (c) Full Certificate with History Search (d) Urgent Full Certificate with Meter Read (within 48 hours)	\$81.22 \$60.87 \$142.98 \$140.77
2	Meter Test (Refunded if meter is +/- 3%)	\$84.42
3	Drainage Diagram	\$23.81
4	Plumbing Inspection	\$39.38
5	Plumbers Application	\$42.07
6	Site inspection for water and sewerage	\$135.27
7	Statement of available water pressure	\$195.76
8	Building plan approval - extension	\$38.00
9	Building plan approval – new connection	\$57.42
10	Fire Service application	\$100.41
11	Relocation/Increase in size of water service (Tapping Fee)	\$97.23
12	Backflow Prevention Device Testing and Certification (Per Hour plus Materials)	\$81.38 per hour
13	Install Water Service (a) 20mm Service up to 3 metres (b) 20mm Service over 3 metres and less than 30 metres (c) All Others	\$833.64 \$2,151.21 By Quotation
14	Alter Existing Water Service Actual Cost Relocate Existing Service	By Quotation Charge for Install Water service (charge no. 13) plus Charge for Water Disconnect (charge no. 19)
15	Downgrade Meter Size (a) 25mm to 20mm (b) All Others	\$107.18 By Quotation
16	Repair Damaged Water Service (a) First repair with five year period (b) Second and subsequent repairs (Per Hour plus Materials)	Nil \$107.18 per hour
17	Rectification of Illegal Service	\$260.65

18	Replace Damaged Water Meter (a) First replacement in a five year period (b) 20mm (c) 25mm (d) 32mm (e) 40mm (f) 50mm (g) 80mm (h) 100mm or greater	Nil \$125.37 \$247.46 \$359.63 \$866.63 \$1,081.10 \$1,187.78 By Quotation
19	Water Service Disconnection (a) First disconnect in a one year period (b) Capping (c) 20mm to 25mm (d) 32mm or greater (e) Bitumen Repairs (minimum 1 metre)	Nil \$104.54 \$174.88 By Quotation \$20.35 per metre
20	Water Service Reconnection (a) First reconnect in a one year period (b) Un-Capping (c) 20mm to 25mm (d) 32mm or greater (e) Bitumen Repairs (minimum 1 metre)	Nil \$112.18 \$188.07 By Quotation \$20.35 per metre
21	Asset Location (a) Major or Critical Infrastructure (b) Minor or Non Critical Initial Location (c) Re-inspect Asset Location	\$107.18 per hour Nil \$107.18 per hour
22	Relocate Existing Stop Valve or Hydrant	By Quotation
23	Replace Water Main before Customer Installations	By Quotation
24	Standpipe Hire (a) Monthly (Minimum Charge) (b) Annually (c) Water Usage Charges i. Treated ii. Untreated	\$34.64 \$415.72 \$1.98 per kL \$1.76 per kL
25	Personal Service of Final Warning Notice	\$23.70
26	Water Reconnections – after restrictions (a) During business hours (b) After business hours	\$102.28 \$141.87

**PEAK DEMAND REDUCTION SCHEME (ELECTRICITY LOAD EXEMPTIONS) ORDER
2022**

Under the

ELECTRICITY SUPPLY ACT 1995

I, Matt Kean MP, 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 19th day of December 2022.

MATT KEAN, MP
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).

This Order is made under clause 93(1)(b) of Schedule 4A of the Act.

**PEAK DEMAND REDUCTION SCHEME (ELECTRICITY LOAD EXEMPTIONS) ORDER
2022**

under the

ELECTRICITY SUPPLY ACT 1995

1 Name of Order

This Order is the *Peak Demand Reduction Scheme (Electricity Load Exemptions) Order 2022*.

2 Commencement

This Order commences on the date it is 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 4 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.

Schedule 1 Table of Exemptions

Column 1 Specified Activity	Column 2 Location (address)	Column 4 Type of exemption	Column 5 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
Rendering of animal by-products	Muffett Street SCONE NSW 2337	Partial Exemption	90%	Baybrick Pty Limited – ABN 97 067 220 017
Integrated iron and steel manufacturing	Five Islands Road PORTKEMBLA NSW 2505	Partial Exemption	90%	Bluescope Steel (AIS) Pty. Ltd. – ABN 19 000 019 625

Column 1 Specified Activity	Column 2 Location (address)	Column 4 Type of exemption	Column 5 Exempt proportion (for partial exemptions)	Reference
Production of clinker	Taylor Avenue NEW BERRIMA NSW 2577	Partial Exemption	90%	Boral Shared Business Services Pty Limited – ABN 31 000 373 660
Manufacture of reconstituted wood-based panels	Lowes Mount Road OBERON NSW 2787	Partial Exemption	90%	Borg Panels Pty Limited - ABN 54 139 584 900
Production of magnesia	2 Park Avenue YOUNG NSW 2594	Partial Exemption	90%	Causmag Ore 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 63 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
Integrated iron and steel manufacturing	22 Kellogg Road ROOTY HILL NSW 2766	Partial Exemption	90%	InfraBuild NSW Pty Ltd – ABN 59 003 312 892
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
Integrated iron and steel manufacturing	Ingall Street MAYFIELD EAST NSW 2304	Partial Exemption	90%	InfraBuild (Newcastle) Pty Ltd – ABN 50 623 285 718

Column 1 Specified Activity	Column 2 Location (address)	Column 4 Type of exemption	Column 5 Exempt proportion (for partial exemptions)	Reference
Manufacture of carbon steel from cold ferrous feed	Ingall Street MAYFIELD EAST NSW 2304	Partial Exemption	90%	InfraBuild (Newcastle) Pty Ltd – 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 Rd 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)	Gate 3, Denison Street MATRAVILLE NSW 2036	Partial Exemption	90%	Qenos Pty Ltd – ABN 62 054 196 771
Production of polyethylene	Gate 3, Denison Street MATRAVILLE NSW 2036	Partial Exemption	90%	Qenos Pty Ltd – ABN 62 054 196 771
Production of polymer grade propene (polymer grade propylene)	Gate 3, Denison Street MATRAVILLE 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 Interlox Pty. Ltd. – ABN 70 000 882 137

Column 1 Specified Activity	Column 2 Location (address)	Column 4 Type of exemption	Column 5 Exempt proportion (for partial exemptions)	Reference
Production of high purity ethanol	461 Beelbanger Road BEELBANGERA NSW 2680	Partial Exemption	90%	Tarac Technologies Pty Ltd – ABN 28 007 513 813
Rendering of animal by-products	Phoenix Street TAMWORTH NSW 2340	Partial Exemption	90%	Teys Australia Southern Pty Ltd – ABN 53 084 034 695
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
Rendering of animal by-products	51-89 Phoenix Street WESTDALE NSW 2340	Partial Exemption	90%	Thomas Foods International Tamworth Pty Ltd – ABN 82 089 140 634
Aluminium smelting	638 Tomago Road TOMAGO NSW 2322	Partial Exemption	90%	Tomago Aluminium Company Pty Ltd – ABN 68 001 862 228
Production of glass containers	170 Andrews Road PENRITH NSW 2750	Partial Exemption	90%	Visy Glass Operations (Australia) Pty Ltd – ABN 94 004 230 326
Packaging and industrial paper manufacturing	158 McCredie Road SMITHFIELD NSW 2164	Partial Exemption	90%	Visy Industries Australia Pty Ltd – ABN 74 004 337 615
Packaging and industrial paper manufacturing	436 Gadara Road TUMUT NSW 2720	Partial Exemption	90%	Visy Industries Australia Pty Ltd – ABN 74 004 337 615

ENERGY SAVINGS SCHEME (ELECTRICITY LOAD EXEMPTIONS) ORDER 2022

Under the

ELECTRICITY SUPPLY ACT 1995

I, Matt Kean MP, Minister for Energy, in pursuance of clauses 22(1)(b) and 25(2) 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 19th day of December 2022.

MATT KEAN, MP
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 published on 10 December 2021.

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

ENERGY SAVINGS SCHEME (ELECTRICITY LOAD EXEMPTIONS) ORDER 2022

under the

ELECTRICITY SUPPLY ACT 1995

1 Name of Order

This Order is the *Energy Savings Scheme (Electricity Load Exemptions) Order 2022*.

2 Commencement

This Order commences on 1 January 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 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 4 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 of Schedule 4A of the Act, published on 10 December 2021 in NSW Government Gazette No 629 is revoked. In accordance with clause 25(3) of Schedule 4A of the Act this revocation will take effect on 1 January 2023.

Schedule 1 Table of Exemptions

Column 1 Specified Activity	Column 2 Location (address)	Column 4 Type of exemption	Column 5 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
Rendering of animal by-products	Muffett Street SCONE NSW 2337	Partial Exemption	90%	Baybrick Pty Limited – ABN 97 067 220 017

Column 1 Specified Activity	Column 2 Location (address)	Column 4 Type of exemption	Column 5 Exempt proportion (for partial exemptions)	Reference
Integrated iron and steel manufacturing	Five Islands Road PORTKEMBLA NSW 2505	Partial Exemption	90%	Bluescope Steel (AIS) Pty. Ltd. – ABN 19 000 019 625
Production of clinker	Taylor Avenue NEW BERRIMA NSW 2577	Partial Exemption	90%	Boral Shared Business Services Pty Limited – ABN 31 000 373 660
Manufacture of reconstituted wood-based panels	Lowes Mount Road OBERON NSW 2787	Partial Exemption	90%	Borg Panels Pty Limited - ABN 54 139 584 900
Production of magnesia	2 Park Avenue YOUNG NSW 2594	Partial Exemption	90%	Causmag Ore 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 63 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
Integrated iron and steel manufacturing	22 Kellogg Road ROOTY HILL NSW 2766	Partial Exemption	90%	InfraBuild NSW Pty Ltd – ABN 59 003 312 892
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 Specified Activity	Column 2 Location (address)	Column 4 Type of exemption	Column 5 Exempt proportion (for partial exemptions)	Reference
Integrated iron and steel manufacturing	Ingall Street MAYFIELD EAST NSW 2304	Partial Exemption	90%	InfraBuild (Newcastle) Pty Ltd – ABN 50 623 285 718
Manufacture of carbon steel from cold ferrous feed	Ingall Street MAYFIELD EAST NSW 2304	Partial Exemption	90%	InfraBuild (Newcastle) Pty Ltd – 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 Rd 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)	Gate 3, Denison Street MATRAVILLE NSW 2036	Partial Exemption	90%	Qenos Pty Ltd – ABN 62 054 196 771
Production of polyethylene	Gate 3, Denison Street MATRAVILLE NSW 2036	Partial Exemption	90%	Qenos Pty Ltd – ABN 62 054 196 771
Production of polymer grade propene (polymer grade propylene)	Gate 3, Denison Street MATRAVILLE 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

Column 1 Specified Activity	Column 2 Location (address)	Column 4 Type of exemption	Column 5 Exempt proportion (for partial exemptions)	Reference
Production of hydrogen peroxide	20-22 McPherson Street BANKSMEADOW NSW 2019	Partial Exemption	90%	Solvay Interlox Pty. Ltd. – ABN 70 000 882 137
Production of high purity ethanol	461 Beelbanger Road BEELBANGERA NSW 2680	Partial Exemption	90%	Tarac Technologies Pty Ltd – ABN 28 007 513 813
Rendering of animal by-products	Phoenix Street TAMWORTH NSW 2340	Partial Exemption	90%	Teys Australia Southern Pty Ltd – ABN 53 084 034 695
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
Rendering of animal by-products	51-89 Phoenix Street WESTDALE NSW 2340	Partial Exemption	90%	Thomas Foods International Tamworth Pty Ltd – ABN 82 089 140 634
Aluminium smelting	638 Tomago Road TOMAGO NSW 2322	Partial Exemption	90%	Tomago Aluminium Company Pty Ltd – ABN 68 001 862 228
Production of glass containers	170 Andrews Road PENRITH NSW 2750	Partial Exemption	90%	Visy Glass Operations (Australia) Pty Ltd – ABN 94 004 230 326
Packaging and industrial paper manufacturing	158 McCredie Road SMITHFIELD NSW 2164	Partial Exemption	90%	Visy Industries Australia Pty Ltd – ABN 74 004 337 615
Packaging and industrial paper manufacturing	436 Gadara Road TUMUT NSW 2720	Partial Exemption	90%	Visy Industries Australia Pty Ltd – ABN 74 004 337 615

Renewable Energy Zone (Central-West Orana) Access Scheme

Order 2022

Under the

Electricity Infrastructure Investment Act 2020

I, Matthew Kean MP, Minister for Energy, make the following Order under section 24(1) of the Act.

Dated this ^{19 December .}
2022


Matthew Kean MP
Minister for Energy

Part 1 Introduction

1. Name of order

This Order is the *Renewable Energy Zone (Central-West Orana) Access Scheme Order 2022*.

2. Commencement Date

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

3. Definitions

- (1) Unless otherwise defined in this Order, words and phrases defined in the Act have the same meaning in this Order.
- (2) Words and expressions that are defined in the Dictionary have the meaning set out in the Dictionary.

4. Declaration of the access scheme to apply to the Central-West Orana REZ

The *Central-West Orana REZ Access Scheme* set out in this Order is hereby declared for the purposes of section 24 of the Act.

Part 2 Description of Access Scheme

5. Access scheme

- (1) This Order establishes the *Central-West Orana REZ Access Scheme* for the *access rights network*.
- (2) A person may only *connect* generation or storage plant to the *access rights network* where:
 - (a) the plant is an *eligible project*; and
 - (b) the person holds an *access right* for the *eligible project*.
- (3) A person may only *connect* network infrastructure or plant or equipment that consumes electricity (other than generation or storage plant) to the *access rights network* in accordance with clause 16 of this Order. Nothing in this clause prevents a *network operator* from maintaining or augmenting the *access rights network*.

6. Access rights

An *access right* authorises the *access right holder* to:

- (1) 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
- (2) 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 subclauses 6(1) and 6(2) do not in any way limit the *central dispatch process* in accordance with the *Rules* or Australian Energy Market Operator Limited'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*.

Part 3 Grant of Access rights and increases to maximum capacity

7. Procedure for the grant of access rights and increases to maximum capacity

Limits on grant of access rights

- (1) Subject to the remainder of this clause 7, 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*:
 - (a) in the *initial allocation* if:
 - (i) the *Consumer Trustee* has recommended the grant or increase; or
 - (ii) in accordance with subclause 12(3); and
 - (b) once the *initial allocation* has been completed:
 - (i) where the *Infrastructure Planner* has made a final determination to approve the grant of additional *maximum capacity* as the result of a proposed *market-led augmentation* under clause 11; or
 - (ii) at the absolute discretion of the *Infrastructure Planner*, including in accordance with subclause 12(3).
- (2) An *access right* may only be granted:
 - (a) to an *eligible operator*;
 - (b) for an *eligible project* with specified *project characteristics*; and
 - (c) for a *maximum capacity* in each *capacity period*.
- (3) 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:
 - (a) the aggregate *maximum capacity* of all *approved projects* during any *capacity period* (including for these purposes the proposed *maximum capacity* of the proposed *eligible project* or proposed increase in *maximum capacity* of the relevant *approved project*) to exceed the *aggregate maximum capacity cap* for that *capacity period*; or
 - (b) the *forecast curtailment* on the *access rights network* (as calculated in accordance with Schedule 3) to exceed the *target transmission curtailment level*; or
 - (c) the *network element forecast curtailment* on a *network element* to exceed the *target network element curtailment level*, if the *Infrastructure Planner* has notified a *target network element curtailment level* for a *network element* under subclause 9(2).

Completion of the initial allocation

- (4) The *Infrastructure Planner* may determine that the *initial allocation* has been completed by notifying the *Consumer Trustee* and *access right holders*, and publishing a notice on its website, if:
 - (a) the aggregate *maximum capacity* in any *capacity period* of *approved projects* granted *access rights* under the *initial allocation* exceeds 90%

of the *initial aggregate maximum capacity cap* in that *capacity period*;
or

- (b) it does not reasonably expect that significant further *access rights* may be granted in the *initial allocation* in accordance with the terms of this Order, including due to the application of subclause 7(3).

Use of maximum capacity profiles

- (5) The *Infrastructure Planner* may grant an *access right* to an *eligible operator* for an *eligible project*, or increase the *maximum capacity* of an *approved project*, using different *maximum capacity* amounts for different *capacity periods* within a 24-hour day (a *maximum capacity profile*), provided that the *Infrastructure Planner* has:
 - (a) notified the *Consumer Trustee* and *access right holders*, and published a notice on its website, of:
 - (i) the proposed date from which the *Infrastructure Planner* may grant *access rights* or increase the *maximum capacity* of *approved projects* using a *maximum capacity profile*;
 - (ii) the proposed *capacity periods*;
 - (iii) the methodology for granting *access rights* or increasing *maximum capacity* for *approved projects* using *maximum capacity profiles*; and
 - (iv) the consultation period during which submissions may be made by the *Consumer Trustee*, *access right holders* and the public, which must not be less than 28 days;
 - (b) considered any submissions received from the *Consumer Trustee*, *access right holders* and the public during the consultation period notified under subclause 7(5)(a)(iv); and
 - (c) 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:
 - (i) the date from which the *Infrastructure Planner* will grant *access rights* or increase *maximum capacity* for *approved projects* using *maximum capacity profiles*;
 - (ii) the proposed *capacity periods*; and
 - (iii) the methodology for granting *access rights* or increasing *maximum capacity* for *approved projects* using *maximum capacity profiles*.
- (6) Until a notification by the *Infrastructure Planner* under subclause 7(5)(c), *access rights* will be granted using one *maximum capacity* across a single 24-hour day *capacity period*. Following a notification by the *Infrastructure Planner* under subclause 7(5)(c), existing *access right holders* will be deemed to have their relevant *maximum capacity* at the date notified under subclause 7(5)(c)(i) in each of the notified *capacity periods*. For the avoidance of doubt, this subclause does not limit an *access right holder's* obligations under subclause 12(6) or affect the restriction in clause 7(2)(b).
- (7) From the date notified in accordance with subclause 7(5)(c)(i), the grant of *access rights*, and any increase to the *maximum capacity* of *approved projects* under subclause 7(1)(a)(i), must:

- (a) use *maximum capacity profiles* that specify a *maximum capacity* for each of the *capacity periods* notified under subclause 7(5)(c)(ii); and
- (b) be determined using the methodology for applying *maximum capacity profiles* published by the *Infrastructure Planner* under subclause 7(5)(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.

Basis for determining expected capacity profiles

- (8) The *Infrastructure Planner* must determine an *expected capacity profile* for a relevant *project* based on information that the *Infrastructure Planner* considers will assist it in accurately forecasting the *project's* likely future generation profile including, without limitation, representative information for the relevant plant type from the *Integrated System Plan*, market modelling, the *project's* own forecast generation profile, the *project characteristics* and, in the case of an *approved project*, any historical *available capacity* and *sent out generation*.

Registration evidence of grant

- (9) Registration by the *Infrastructure Planner* of an *access right* in the *access rights register* in accordance with clause 22 is evidence of the grant of the *access right* to the relevant *access right holder* for the relevant *approved project*, the *maximum capacity* of the *approved project* for any *capacity period* and any other details specified in the *access right register*.

8. Capacity caps

- (1) The *initial aggregate maximum capacity cap* in all *capacity periods*, based on the indicative capacity of the *access rights network* as identified in the *initial CWO REZ Declaration*, is 5.84GW.
- (2) Following a final *headroom* assessment under subclause 10(5)(c), or determination of additional *maximum capacity* as the result of a proposed *market-led augmentation* under clause 11, the *aggregate maximum capacity cap* for each *capacity period* will be the amount specified in the relevant notification.
- (3) The *Infrastructure Planner* must notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of any increase to the *aggregate maximum capacity cap* for a *capacity period*.

9. Target transmission curtailment levels

- (1) The *target transmission curtailment level* for the *initial term* is 4.37%. 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*.
- (2) The *Infrastructure Planner* may, in its absolute discretion, notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of the *transfer capacity* of a *network element* and a *target network element curtailment level* for that *network element* at any time during the *term*.

- (3) A *target network element curtailment level* notified under subclause 9(2) 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*.
- (4) Any change to the *aggregate maximum capacity cap* for a *capacity period* will not affect the *target transmission curtailment level* or any *target network element curtailment level*.

10. Headroom assessment

Conducting a headroom assessment

- (1) The *Infrastructure Planner*:
 - (a) must undertake a *headroom* assessment as soon as practicable following completion of the *initial allocation*;
 - (b) must conduct a *headroom* assessment once every two calendar years during the period of six calendar years following its initial *headroom* assessment under subclause 10(1)(a), unless the *Infrastructure Planner* determines, in its absolute discretion, that a *headroom* assessment is not required. The *Infrastructure Planner* must notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of any such determination; and
 - (c) may conduct a *headroom* assessment at any time if the *Infrastructure Planner* forms the opinion that there is likely to be material *headroom* in any *capacity period*, including as the result of a proposed *market-led augmentation*. The *Infrastructure Planner* must notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of any such opinion.
- (2) In undertaking a *headroom* assessment, the *Infrastructure Planner* must calculate, in accordance with the process in Schedule 3, 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*.
- (3) The *Infrastructure Planner* may decide, in its absolute discretion, that the amount of additional *maximum capacity* in a *capacity period* should be less than the *headroom* calculated under a *headroom* assessment under Schedule 3, including without limitation after taking into account relevant *power system limits*.

Notification and response to headroom assessment

- (4) As soon as practicable after completing a *headroom* assessment, the *Infrastructure Planner* must notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of its draft assessment including the following information:
 - (a) the proposed *headroom* available in each *capacity period* and the proposed increase to the *aggregate maximum capacity cap* for each *capacity period*;

- (b) *forecast curtailment on the access rights network before and after the proposed increase to the aggregate maximum capacity cap for each capacity period;*
 - (c) *any material assumptions about the aggregate expected capacity profiles or the technology mix of potential future projects made as part of the headroom assessment;*
 - (d) *any other information having a material impact on the headroom assessment; and*
 - (e) *the consultation period during which submissions may be made by the Consumer Trustee, access right holders and the public, which must not be less than 28 days.*
- (5) Following notification of a draft *headroom* assessment under subclause 10(4):
- (a) *a person may make a written submission in response to the draft headroom assessment during the consultation period notified under subclause 10(4)(e);*
 - (b) *the Infrastructure Planner must consider any written submissions received under subclause 10(5)(a); and*
 - (c) *as soon as practicable following its consideration of any written submissions received, the Infrastructure Planner must notify the Consumer Trustee and access right holders, and publish a notice on its website, of its final headroom assessment, including, if relevant:*
 - (i) *the headroom available in each capacity period and increased aggregate maximum capacity cap for each capacity period (if applicable); and*
 - (ii) *any material assumptions about the aggregate expected capacities profiles or the technology mix of potential future projects made as part of the headroom assessment.*

11. Market-led augmentations

- (1) *A market-led augmentation may:*
 - (a) *increase the transfer capacity of the access rights network and, following a headroom assessment, result in an increase to the aggregate maximum capacity cap for relevant capacity periods; or*
 - (b) *increase the transfer capacity of a network element, reducing the forecast network element curtailment on that network element. An increase in the transfer capacity of a network element will not result in an increase to the aggregate maximum capacity cap for relevant capacity periods.*
- (2) *If potential maximum capacity will be made available by an increase to the aggregate maximum capacity cap for a capacity period, or by increased transfer capacity on a network element, as the result of a market-led augmentation, then that potential maximum capacity must, to the extent that the proposed market-led augmentation will be funded by eligible operators, be granted to the eligible operators that have funded or committed to fund the proposed market-led augmentation. Nothing in this subclause prevents the Infrastructure Planner from granting additional*

- maximum capacity* to other *eligible operators* as the result of a subsequent *headroom* assessment that includes the proposed *market led augmentation*.
- (3) One or more *eligible operators* who will fund a proposed *market-led augmentation* (the **proponents**) may request the *Infrastructure Planner* to grant additional *maximum capacity* made available by the proposed *market-led augmentation*. A request must be made in writing to the *Infrastructure Planner*.
 - (4) The *Infrastructure Planner* must assess any request made in accordance with subclause 11(3) to determine, in its absolute discretion, whether to grant additional *maximum capacity* and, if so:
 - (a) the increase in the *transfer capacity* of the *access rights network* or any *network element* resulting from the proposed *market-led augmentation*;
 - (b) the *headroom* in each *capacity period* calculated in accordance with Schedule 3 and increased *aggregate maximum capacity cap* for each relevant *capacity period* that will result from the proposed *market-led augmentation*;
 - (c) *forecast curtailment* on the *access rights network* before and after the proposed *market-led augmentation*;
 - (d) *network element forecast curtailment* on a *network element* for which a *network element curtailment level* has been notified under subclause 9(2) before and after the proposed *market-led augmentation* under subclause 9(3);
 - (e) any material assumptions made about the *aggregate expected capacity profiles* or the technology mix of *potential future projects* as identified in Schedule 3;
 - (f) any conditions relating to an *access right* that the *Infrastructure Planner* in its absolute discretion considers appropriate, which may include financial commitments from the *eligible operator*; and
 - (g) the *access right* to be granted to the *proponents*, or the increase in the *maximum capacity* of the relevant *approved projects* of the *proponents*, in each *capacity period*.
 - (5) The *Infrastructure Planner* may, in its absolute discretion, reject any request made in accordance with subclause 11(3) for any reason.
 - (6) If the *Infrastructure Planner* proposes to grant additional *maximum capacity* following a request made in accordance with subclause 11(3) it must make a draft determination of the matters set out under subclause 11(4) and notify the *proponents* of that draft determination.
 - (7) Following notification under subclause 11(6) of a draft determination:
 - (a) the *Infrastructure Planner* must publish notice of the draft determination on its website and the relevant consultation period, which must not be less than 28 days;
 - (b) any person may make a written submission in response to the draft determination during the consultation period notified under subclause 11(7)(a); and
 - (c) the *Infrastructure Planner* must consider written submissions received under subclause 11(7)(b).

- (8) As soon as practicable following expiry of the consultation period under subclause 11(7)(a), the *Infrastructure Planner* must make a final determination and notify the *proponents*, the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of that final determination.
- (9) If the *Infrastructure Planner's* final determination under subclause 11(8) is to make an allocation of *maximum capacity* available to a proponent, the notice under subclause 11(8) must include the *Infrastructure Planner's* final determination of the matters set out under subclause 11(4).
- (10) The *proponents* must pay the *Infrastructure Planner's* costs of making a determination under this clause 11.
- (11) This clause 11 relates only to the grant of *access rights*, or an increase in the *maximum capacity* of an *approved project* in a *capacity period*, as the consequence of a *market-led augmentation*. It does not relate to any regulatory approvals and commercial arrangements required to undertake a proposed *market-led augmentation*.
- (12) Nothing in this clause 11 requires the *Infrastructure Planner* to publish any confidential or commercially sensitive information.

12. Project modifications

Maximum Capacity

- (1) 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*.
- (2) The *Infrastructure Planner* may only approve an increase in the *maximum capacity* of an *approved project* in a *capacity period* in accordance with subclause 7(3).
- (3) Where the *maximum capacity* of an *approved project* in a *capacity period* will be increased by less than 5% of the first *maximum capacity* registered in the *access rights register* for that *approved project* and *capacity period*, the *Infrastructure Planner* may, in its absolute discretion but subject always to the requirements in subclause 12(2), approve the increase in the *maximum capacity*, provided that the *Infrastructure Planner* has given the *Consumer Trustee* prior notice of its proposal to approve the increased *maximum capacity*.
- (4) 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*.
- (5) The *Infrastructure Planner* must update the *access rights register* to record any increase or reduction in the *maximum capacity* of an *approved project* in a *capacity period*.

Project Characteristics

- (6) An *access right holder* may only make a material change to the *project characteristics* of an *approved project* if the change has been approved by the *Infrastructure Planner*.
- (7) The *Infrastructure Planner* may only approve a material change in the *project characteristics* of an *approved project* in accordance with subclause 7(3).

- (8) 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*.
- (9) The *Infrastructure Planner* will have the absolute discretion to determine whether the impact on an *approved project's expected capacity profile* is material.
- (10) The *Infrastructure Planner* must update the *access rights register* where relevant to record any approved change in the *project characteristics* of an *approved project* recorded in the *access rights register*.

Conditions on approvals

- (11) The *Infrastructure Planner's* approval under this clause 12 may be made subject to conditions in an *access right agreement*.

Part 4 Terms and Conditions

13. Duration of access rights

- (1) All *access rights* granted under this Order expire on the expiry of the *term*.
- (2) The *Infrastructure Planner* must notify *access right holders* of the date of the electrification of the first *network element* of the *access rights network*.
- (3) 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 subclause 13(4), if relevant).
- (4) The *Infrastructure Planner* may extend the *term*, in its absolute discretion, by notifying the *Consumer Trustee* and *access right holders*, and publishing a notice on its website, of the extended *term*.

14. 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 in accordance with the terms of its *access right agreement*.

15. Connection to the access rights network

Participants in the *access scheme*, including any *network operator* and operator of generation and storage plant proposing to *connect* to the *access rights network*, must comply with any *REZ access 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 generation and storage plant data, the modelling of generation and storage plant performance standards and assessing system impacts of multiple generation and storage plant *connections*:

- (1) notified to operators of generation and storage plant by the *Infrastructure Planner* or a *network operator*;
- (2) set out in a participant's relevant *access right agreements*; or
- (3) as otherwise set out in the *Rules*.

16. Connection to the access rights network by load or network service providers

Any application by:

- (1) a *network service provider* other than the *network operator* who owns or operates the relevant part of the *access rights network* to connect a transmission network or distribution network; or
- (2) a person to *connect* plant that consumes electricity (other than generation or storage plant),

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*.

17. Transfer, suspension and termination of access rights

- (1) An *access right*, or any *maximum capacity* under an *access right*, may only be transferred, suspended or terminated in accordance with the terms of the *access right holder's* relevant *access right agreement*.
- (2) An *access right* must be terminated if the *access right holder's* relevant *access right agreement* 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.
- (3) The *Infrastructure Planner* must update the *access rights register* to record any transfer, suspension or termination of *access rights*, or transfer of *maximum capacity* under an *access right*, under subclauses 17(1) or (2).
- (4) The *maximum capacity* under an *access right* terminated under subclause 17(2) may be granted to one or more other *eligible operators* by the *Infrastructure Planner* in accordance with clause 7.

18. Amendments

- (1) This Order may only be amended in accordance with section 28 of the *Act*.
- (2) For the purposes of section 28(1)(d) of the *Act*, this Order may be amended under subclauses 18(3) and 18(4).
- (3) The Minister may amend this Order by declaration in the Gazette after following the process specified below:
 - (a) The *Minister* may make a proposal to amend this Order after considering any advice from the *Infrastructure Planner*.
 - (b) The *Infrastructure Planner* must give notice to *access right holders* of the *declaration change proposal* and seek submissions from *access right holders* on the *declaration change proposal*.
 - (c) The notice under subclause 18(3)(b) must specify:
 - (i) the proposed amendments to this Order;
 - (ii) the reasons for the *declaration change proposal*, including any relevant supporting documents;
 - (iii) whether the *Infrastructure Planner* considers that the *declaration change proposal* will have a material adverse impact on *access right holders* and its reasons for this view; and

- (iv) the time period, which must not be less than 28 days, within which *access right holders* may make submissions on the *declaration change proposal*.
- (d) The *Infrastructure Planner* must consider any submissions from *access right holders* and provide advice to the *Minister* on whether to proceed with the *declaration change proposal* and any amendments that should be made to the *declaration change proposal* as a result of submissions received under subclause 18(2)(b).
- (e) Following the advice from the *Infrastructure Planner* under subclause 18(2)(d), if the *Minister* wishes to proceed with the *declaration change proposal* the *Minister* must:
 - (i) prepare an updated *declaration change proposal* taking into account the advice provided by the *Infrastructure Planner* under subclause 18(2)(a). The updated *declaration change proposal* must state whether the *Infrastructure Planner* considers that the updated *declaration change proposal* will have a material adverse impact on *access right holders* and its reasons for this view;
 - (ii) procure that notice of the updated *declaration change proposal* is published on the *Infrastructure Planner's* website; and
 - (iii) the time period, which must not be less than 28 days, within which *access right holders* may make submissions on the updated *declaration change proposal*.
- (f) The *Infrastructure Planner* must consider any submissions made during the consultation period notified under subclause 18(2)(e)(iii) and provide advice to the *Minister* on whether to proceed with the *declaration change proposal* and, if so, on any amendments that should be made to the *declaration change proposal* as a result of submissions received during the consultation period notified under subclause 18(2)(e)(iii) and whether the *Infrastructure Planner* considers that the amended *declaration change proposal* will have a material adverse impact on *access right holders*.
- (g) Following the advice from the *Infrastructure Planner* under subclause 18(2)(f), if the *Minister* wishes to proceed with a *declaration change proposal* the *Minister* must develop a final *declaration change proposal* and notify *access right holders* of the final *declaration change proposal*.
- (h) If the *Infrastructure Planner* considers that the final *declaration change proposal* will have a material adverse impact on *access right holders*, the final *declaration change proposal* will be subject to the approval of *access right holders* and the *Minister* may only implement the final change proposal if:
 - (i) *access right holders* with *access rights* representing more than 75% of the aggregate *maximum capacity* of *access right holders* voting (determined on the basis of each *approved project's* highest *maximum capacity* across all *capacity periods*), vote in favour of the final *declaration change proposal*; or

- (ii) more than 75% of *access right holders* voting, vote in favour of the final *declaration change proposal*.
- (i) Voting on a final *declaration change proposal* must be conducted in accordance with voting procedures notified to *access right holders* by the *Infrastructure Planner*.
- (4) The *Infrastructure Planner* may amend the eligibility criteria under Schedule 2 by publishing amended eligibility criteria on its website. The *Infrastructure Planner* must consult with the *Consumer Trustee* on any amendment to the eligibility criteria before any competitive tender for the grant of *access rights* or an increase in *maximum capacity* is conducted.

Part 5 The Scheme Financial Vehicle

19. Liabilities of the Scheme Financial Vehicle for administration and operation costs

- (1) The *Scheme Financial Vehicle* is liable to pay all of the *Infrastructure Planner's* costs of administering and operating the *Central-West Orana REZ Access Scheme* and performing its functions related to this Order, including:
 - (a) costs associated with:
 - (i) the administration, oversight and enforcement of this Order;
 - (ii) the administration, oversight and enforcement of access right agreements;
 - (iii) the administration of community and employment benefits; and
 - (b) 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* to *eligible operators* or an increase in *maximum capacity* to *access right holders* in respect of an *approved project*.
- (2) The *Scheme Financial Vehicle* must make the payments in subclause 19(1) in accordance with principles and processes agreed between the *Scheme Financial Vehicle* and the *Infrastructure Planner*.

20. Liabilities of the Scheme Financial Vehicle to make other payments

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

- (1) the component of access fees received by the *Scheme Financial Vehicle* and identified as being for community and employment purposes;
- (2) any payments received by the *Scheme Financial Vehicle* under an *access right agreement* for remediation of any non-compliance by the relevant *access right holder* with its obligations under the *access right agreement* relating to a community or employment outcome; and
- (3) 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 subclauses 20(1) and (2).

Part 6 Administration

21. Infrastructure Planner to administer scheme

The *Infrastructure Planner* is appointed to administer the *Central-West Orana REZ Access Scheme*.

22. Access rights register

- (1) The *Infrastructure Planner* must maintain an *access rights register* that includes all relevant detail in relation to 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 and plant type;
 - (c) the *maximum capacity* of the relevant *approved project* in each *capacity period*;
 - (d) the date of registration;
 - (e) identification of any *REZ access standards* applicable to the *approved project*;
 - (f) 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 suspended or terminated, or has otherwise expired or ended, including the date on which this occurred.
- (2) The *Infrastructure Planner* may, at its absolute discretion, include additional information in relation to an *access right* in the *access rights register*, including any other relevant *project characteristics*.

Dictionary

access right has the meaning given in clause 6.

access right agreement means one or more agreements between the *Infrastructure Planner* or *Scheme Financial Vehicle* and an *eligible operator* that:

- (1) contains obligations relating to the development or operation of a *project*, including the technical specification of the *project* and other *project characteristics*, construction milestones, community and employment purposes and outcomes and any terms and conditions of the *access right*; and
- (2) includes an acknowledgement that it is an *access right agreement* for the purposes of this Order.

access right holder means the person who holds an *access right* granted under this Order.

access rights network means the electricity network described in Schedule 1.

access rights register means the register established and maintained by the *Infrastructure Planner* in accordance with clause 22.

Act means the *Electricity Infrastructure Investment Act 2020*.

aggregate expected capacity profile means:

- (1) the aggregate of the *expected capacity profiles* of all relevant *projects*; less
- (2) the *Infrastructure Planner's* forecast profile of electricity consumption by any plant or equipment (other than *approved projects*) connected to the *access rights network*.

aggregate maximum capacity cap means the cap on the *aggregate maximum capacity* of all *approved projects* during a *capacity period*, being the *initial aggregate maximum capacity cap* as amended from time to time under clause 8.

approved project means an *eligible project* for which an *eligible operator* has been granted an *access right* in accordance with this Order.

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

capacity period means:

- (1) an intra-day period notified by the *Infrastructure Planner* in accordance with subclause 7(5), and which may vary for days during different seasons; and
- (2) until a notification by the *Infrastructure Planner* under subclause 7(5)(c), a single 24-hour day.

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

Central-West Orana REZ means the Central-West Orana renewable energy zone declared in the *CWO REZ Declaration*.

Central-West Orana REZ Access Scheme means the access scheme declared in this Order for the *access rights network*.

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

- (1) generation plant and storage plant; or
- (2) 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 rights network*.

connect has the meaning given to it in the *Rules* and **connecting** and **connected** have a corresponding meaning.

connection agreement means one or more agreements between an *eligible operator* and a *network operator* or other parties regarding the *connection* of an *approved project* to the *access rights network*.

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

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

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

CWO REZ Declaration means the *Renewable Energy Zone (Central-West Orana) Order 2021* made by the *Minister* on 28 October 2021 as amended from time to time.

declaration change proposal means a proposal made in accordance with subclause 18(2)(a).

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 proposed *project* that is, or is to be, located within the geographical area of the *Central-West Orana REZ* and meets the eligibility criteria for the grant of an *access right* specified in Schedule 2.

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 subclause 7(8).

forecast curtailed electricity has the meaning given in paragraph (5) of Schedule 3.

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 3.

forecast potential sent out generation has the meaning given in paragraph (5) of Schedule 3.

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

headroom means the increase in aggregate *maximum capacity* in a *capacity period* that (when considered together with any proposed increase in aggregate *maximum capacity* in any other *capacity period*) could be allocated without resulting in *forecast curtailment* on the *access rights network* exceeding the *target transmission curtailment level*, as calculated by the *Infrastructure Planner* in accordance with Schedule 3.

Infrastructure Planner means the Energy Corporation of New South Wales appointed as *Infrastructure Planner* for the *Central-West Orana REZ* pursuant to clause 6 of the *CWO REZ Declaration*.

initial aggregate maximum capacity cap means the initial *aggregate maximum capacity cap* set out in subclause 8(1).

initial allocation means the grant of *access rights* in accordance with subclause 7(1)(a) comprising aggregate *maximum capacity* in any *capacity period* up to the *initial aggregate maximum capacity cap*, unless the *Infrastructure Planner* has determined that the *initial allocation* has been completed in accordance with subclause 7(4).

initial term means the period from the date of this *Order* to the date that is 20 years after the date of the electrification of the first *network element* within the *access rights network*, as notified by the *Infrastructure Planner* to the *Consumer Trustee* and *access right holders* under subclause 13(2).

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

LTES agreement has the meaning given to it 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 available capacity profile has the meaning given in paragraph 2(b) of Schedule 3.

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

maximum capacity profile means, in relation to a *project*, the *maximum capacity* of that *project* for a *capacity period*.

Minister means the 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 forecast curtailment means *forecast curtailment* on a *network element* (as relevant) determined by the *Infrastructure Planner* in accordance with Schedule 3.

network operator has the meaning given in the Act.

network service provider has the meaning given in the *Rules*.

potential future projects has the meaning given in paragraph 3(a) of Schedule 3.

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:

- (1) a *project's* plant type;
- (2) a *project's* location; and
- (3) any other technical specifications which are specified as a *project characteristic* in a relevant *access right agreement*,

as modified in accordance with clause 12.

proponents has the meaning given in clause 11(3).

regulations means regulations made under the Act.

REZ access standards means technical requirements for generation and storage plant connecting to the *access rights network*.

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 under the Act.

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

target network element curtailment level means for a *network element*, the percentage notified by the *Infrastructure Planner* in accordance with subclause 9(2).

target transmission curtailment level means the percentage specified in subclause 9(1).

term means the term of the *Central-West Orana REZ Access Scheme*, being the *initial term* as extended under subclause 13(4) (if relevant).

transfer capacity has the meaning given in Schedule 3.

Schedule 1 – Access rights network

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

- (1) all planned and new network infrastructure forming part of the *Central-West Orana REZ* that:
 - (a) is *connected* to or will *connect* to the existing network infrastructure operating at nominal voltages of 500kV connecting Bayswater 500kV substation, Wollar 500 kV substation and Mt Piper 500kV substation and which a *network operator* has been authorised or directed to carry out under section 31(1)(b) or section 32 of the *Act*; or
 - (b) is used to convey, and control the conveyance of, electricity between the network infrastructure referred to in paragraph (1)(a) and one or more *approved projects* (but not including any *connection assets*);
- (2) 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 (1) (but not including any *connection assets*); and
- (3) any repair, replacement, extension or augmentation of the network infrastructure specified in paragraphs (1) and (2) that is owned or operated by a *network operator*, including any *market-led augmentation*.

Schedule 2 – Eligibility criteria

- (1) The eligibility criteria set out in 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*.
- (2) The *Infrastructure Planner* may determine amended 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* from time to time under subclause 18(4).

Table 1: 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*

Plant type	Initial allocation	After completion of the initial allocation
<i>Generation projects</i>	<p>(a) Projects that involve generation from a renewable energy source with a proposed <i>maximum capacity</i> of 30MW or above.</p> <p>For this purpose, multiple projects 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 generating units.</p> <p>(b) Generation infrastructure projects awarded a firming infrastructure <i>LTES agreement</i>.</p>	<p>(a) Projects that involve generation from a renewable energy source with any proposed <i>maximum capacity</i>.</p> <p>(b) Generation infrastructure projects awarded a firming infrastructure <i>LTES agreement</i>.</p>
<i>Co-located hybrid infrastructure project</i>	<p>(a) Projects that involve generation from a renewable energy source, where the sum of the generation and storage plant has a proposed <i>maximum capacity</i> of 30MW or above.</p> <p>For this purpose, multiple projects 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 generating units.</p> <p>(b) <i>Co-located hybrid infrastructure projects</i> awarded a firming infrastructure <i>LTES agreement</i>.</p>	<p>(a) Projects that involve generation from a renewable energy source with any proposed <i>maximum capacity</i>.</p> <p>(b) <i>Co-located hybrid infrastructure projects</i> awarded a firming infrastructure <i>LTES agreement</i>.</p>

Storage infrastructure projects	Storage infrastructure projects with any proposed <i>maximum capacity</i> .	Storage infrastructure projects with any proposed <i>maximum capacity</i> .
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Schedule 3 – Calculations

Headroom

- (1) *Headroom* requires an assessment of whether the *aggregate maximum capacity cap* in any *capacity period* may be increased to allow the *Infrastructure Planner* to grant additional *access rights* or increased *maximum capacity* in any *capacity period* under existing *access rights* pursuant to subclause 7(3).
- (2) The *Infrastructure Planner* must determine:
 - (a) the *aggregate expected capacity profile* of all approved projects; and
 - (b) the *maximum aggregate expected capacity profile* of potential future projects that could be granted *access rights* without, when added to the *aggregate expected capacity profile* of all approved projects, causing *forecast curtailment* on the *access rights network* to exceed the *target transmission curtailment level* (**maximum available capacity profile**).
- (3) For the purposes of paragraph (2) of this Schedule 3:
 - (a) **potential future projects** are notional future eligible projects.
 - (b) the *aggregate expected capacity profile* of potential future projects will be calculated by the *Infrastructure Planner* using:
 - (i) the *Infrastructure Planner's* determination of the technology mix and *expected capacity profiles* of potential future projects; and
 - (ii) in the case of *eligible projects* for which a *market-led augmentation* is proposed, the *aggregate expected capacity profile* of the relevant eligible projects.
- (4) Once the *maximum available capacity profile* has been determined, the *Infrastructure Planner* must determine the *aggregate potential maximum capacity* of the *potential future projects* comprising the *maximum available capacity profile* in each relevant *capacity period*. Subject to subclause 10(3), *headroom* for a *capacity period* will be the amount calculated in accordance with the following formula (for the relevant *capacity period*):

$$\begin{aligned} \text{headroom} = & \text{aggregate maximum capacity of approved projects} \\ & + \text{aggregate maximum capacity of relevant potential future projects} \\ & - \text{aggregate maximum capacity cap} \end{aligned}$$

Forecast curtailment

- (5) 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 will be taken to include:

- (a) for the purposes of an assessment under subclause 7(3), 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
- (b) 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 will be taken to include:

- (a) for the purposes of an assessment under subclause 7(3), 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
 - (b) 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*.
- (6) The *Infrastructure Planner* must select a reference year for the purposes of the calculation of *forecast curtailment*.

Network element forecast curtailment

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

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

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 will be taken to include:

- (a) for the purposes of an assessment under subclause 7(3), 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

- (b) 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 will be taken to include:

- (a) for the purposes of an assessment under subclause 7(3), 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
 - (b) 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*.
- (8) The *Infrastructure Planner* must select a reference year for the purposes of the calculation of *network element forecast curtailment*.
 - (9) 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

- (10) The **transfer capacity** of the *access rights network* means the network capacity in MW between the *access rights network* and any other transmission network to which the *access rights network* is connected. If there is more than one point of *connection* between the *access rights network* and another transmission network the *transfer capacity* will take into account the combined *transfer capacity* across all points of *connection*.
- (11) Until revised in accordance with paragraphs 12 to 15 (inclusive) of this Schedule 3, the *transfer capacity* of the *access rights network* will be taken to be the intended network capacity for the *access rights network* specified in the CWO REZ Declaration dated 28 October 2021.
- (12) Following an authorisation of, or direction to, a *network operator* to carry out the *access rights network*, or any addition, extension or augmentation to the *access rights network* that affects the *transfer capacity*, under section 31(1)(b) or section 32 of the Act, the *transfer capacity* of the *access rights network* will be taken to be the capacity (in MW) determined by the *Infrastructure Planner*. In making this determination the *Infrastructure Planner* must take into account the technical specifications of the *access rights network*, and any addition, extension or augmentation to the *access rights network*, in the relevant recommendation made under section 30 of the Act.

- (13) Following an increase in *transfer capacity* (in MW) determined under subclause 11(8) created by a *market-led augmentation*, the *transfer capacity* of the *access rights network* will be taken to be the sum of the *transfer capacity* of the *access rights network* immediately prior to the determination under subclause 11(8) and the increase determined under subclause 11(8).
- (14) Following commissioning of the *access rights network*, or any addition, extension or augmentation to the *access rights network* (including a *market-led augmentation*), the *transfer capacity* of the *access rights network* will be the capacity (in MW), determined by the *Infrastructure Planner*.
- (15) For the purposes of determining *headroom* under subclause 11(4)(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 subclause 11(4)(a).
- (16) The *Infrastructure Planner* must notify *access right holders*, and publish a notice on its website, of a revision to the *access rights network transfer capacity*.

Transfer capacity of a network element

- (17) 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*.
- (18) Until revised under clauses 19 and 20 of this Schedule 3, the *transfer capacity* of a *network element* is taken to be the MW capacity notified by the *Infrastructure Planner* in accordance with subclause 9(2).
- (19) The *transfer capacity* of a *network element* will be revised by the *Infrastructure Planner* in accordance with any additional capacity in the *network element*:
 - (a) that is the subject of an authorisation under section 31(1)(b) of the Act or a direction under section 32 of the Act or an increase in *transfer capacity* of a *network element* (in MW) determined under subclause 11(8) created by a *market led augmentation*. In making this revision 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 section 30 of the Act (if relevant); or
 - (b) following commissioning of the *network element* or any augmentation of the *network element* (including a *market-led augmentation*).
- (20) 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 subclause 11(4)(a).
- (21) The *Infrastructure Planner* must notify *access right holders*, and publish a notice on its website, of the *transfer capacity* of each relevant *network element* following:
 - (a) a notification under subclause 9(2) in respect of the relevant *network element*; or
 - (b) a revision to the *transfer capacity* of a *network element*

Outages

- (22) For the avoidance of doubt, the determination of *transfer capacity* of the *access rights network* or a *network element* under this Schedule 3 will not include any allowance for planned or unplanned outages or temporary reduced capacity of the *access rights network* or a *network element*, or any transmission network to which the *access rights network* is connected.

Electricity Infrastructure Investment Act 2020 (NSW)

Correction of paragraph numbering on page 4

ERRATUM

In the notice published in NSW Government Gazette No 515—Electricity and Water of 4 November 2022, number n2022-2141, at clause 1 of Schedule 2, replace the sub-clause letters (b) and (c), with the letters (a) and (b) respectively. This notice corrects that paragraph lettering error and does not change the content of the sub-clauses themselves.

The gazettal date remains 4 November 2022.

Alexandra Finley
Executive Director - Commercial
Energy Corporation of NSW
Office of Energy and Climate Change, Treasury NSW