



Government Gazette

of the State of

New South Wales

Number 476 - Electricity and Water

Friday, 06 December 2024

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It can also contain local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of each page of the notice and can be used as a reference for that notice. For example, [NSWGG-2024-10-1].

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW Government Gazette website (www.gazette.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, visit the website.

Chapter 9A: Modification of the *National Electricity Rules* in New South Wales under the *Electricity Infrastructure Investment Act 2020*

Made by the Minister for Energy on 6 December 2024.

This instrument comprises rules intended to be applied under the *Electricity Infrastructure Investment Act 2020* for the purposes of modifying the application of, or disapplying the provisions of, the *National Electricity Rules* in New South Wales under the *Electricity Infrastructure Investment Act 2020*.

These rules, as they are intended to have effect for the purposes of the *Electricity Infrastructure Investment Act 2020* and to modify the application of, or disapply, provisions of the *National Electricity Rules*, are to be taken to be inserted into the *National Electricity Rules* as a new Chapter 9A immediately after Chapter 9.



Penny Sharpe MLC

Minister for Energy

9A. Modification of Rules in New South Wales under the EII Act

Part A Introduction and preliminary matters

9A.1 Introduction

9A.1.1 Purpose of Chapter 9A

- (a) This Chapter contains modifications to the provisions of the *Rules* in New South Wales under section 27 and/or section 41 of the *EII Act*.
- (b) A provision of this Chapter may have effect as a modification of the *Rules* even if it is not expressly declared to be a modification.
- (c) This Chapter prevails over all other Chapters of the *Rules*, including Chapter 9.

9A.1.2 Structure of Chapter 9A

This Chapter is divided into the following Parts:

- (a) this Part provides for introductory and preliminary matters (including with respect to definitions to be used for this Chapter or applied to the *Rules* by this Chapter);
- (b) Part B modifies the application of provisions of the *Rules* relating to *connection* and access;
- (c) Part C modifies the application of provisions of the *Rules* dealing with planning and extension of *transmission networks*;
- (d) Part D modifies the application of provisions of the *Rules* dealing with the economic regulation of *transmission services*;
- (e) Part E makes a modification of the *Rules* and includes other provisions in relation to transmission pricing;
- (f) Part F modifies the *Rules* in relation to administrative and other matters.

9A.1.3 Interpretation

- (a) For this Chapter:
 - (1) a word or expression defined in the glossary in Chapter 10 has the meaning given to it in the glossary unless a different meaning is provided for the word or expression by rule 9A.2; and
 - (2) a definition of a word or expression inserted into Chapter 10 by rule 9A.2 has the meaning given in rule 9A.2; and
 - (3) a word or expression used or defined in the *National Electricity Law* and also used in this Chapter has the same meaning in this Chapter as it has in that Law (unless the contrary intention appears).
- (b) Without limiting paragraph (a):
 - (1) section 3 of, and Schedule 2 to, the *National Electricity Law*, and rules 1.3, 1.4 and 1.7, apply in relation to this Chapter; and

- (2) for the avoidance of doubt, the *Interpretation Act 1987* (NSW) and the *Legislation Interpretation Act 2021* (SA) do not apply to the interpretation of this Chapter.
- (c) For this Chapter, a reference to:
 - (1) a **modification** of a provision includes a reference to the disapplication of the provision; and
 - (2) **for** includes “for the purposes of”; and
 - (3) a provision of the *Rules* that has been modified by this Chapter is a reference to that provision as so modified.
- (d) For this Chapter, a reference to a **holder of an access right** includes a reference to a person who is registered as an *intermediary* for a person who is a holder of an *access right*.

9A.1.4 Review of guidelines, policies and procedures

- (a) If *AEMO* considers it necessary or desirable, *AEMO* may review, and if necessary amend, any guideline, instrument or other document required or permitted to be made or published by *AEMO* under the *Rules* to take into account the provisions of this Chapter, the *EII Act* or the *EII Regulation*, and may do anything else that is reasonably connected to the performance of its functions after taking into account the provisions of this Chapter, the *EII Act* or the *EII Regulation*.
- (b) If the *AER* considers it necessary or desirable, the *AER* may review, and if necessary amend, any guideline, instrument or other document required or permitted to be made or published by the *AER* under the *Rules* to take into account the provisions of this Chapter, the *EII Act* or the *EII Regulation*, and may do anything else that is reasonably connected to the performance of its functions after taking into account the provisions of this Chapter, the *EII Act* or the *EII Regulation*.
- (c) *AEMO* and the *AER* are not required to comply with the *Rules consultation procedures*, and the *AER* is not required to comply with the *transmission consultation procedures*, when amending a guideline, instrument or other document under paragraph (a) or (b).
- (d) Before amending a guideline, instrument or other document under paragraph (a) or (b), *AEMO* and the *AER* must:
 - (1) undertake consultation with *infrastructure planners* appointed under the *EII Act*; and
 - (2) publish a draft of the proposed amendment on its website and provide at least 20 *business days* for written submissions from any person on the draft.
- (e) This clause does not limit the ability of *AEMO* or the *AER* to decide to proceed under the *Rules consultation procedures* or the *transmission consultation procedures* (as the case may be) when amending a guideline, instrument or other document.

- (f) If *AEMO* or the *AER* decide to proceed under the *Rules consultation procedures* or the *transmission consultation procedures* (as the case may be) when amending a guideline, instrument or other document, *AEMO* or the *AER* is not required to comply with paragraph (d).
- (g) This clause applies to any amendment to any guidelines, instrument or other document made or published by *AEMO* under the *Rules* for which *AEMO* would otherwise be required under the *Rules* to comply with the *Rules consultation procedures*.

9A.1.5 Civil penalty provisions

- (a) Schedule 9A.1 specifies civil penalty provisions of this Chapter, and the civil penalty for each provision, for the purposes of section 2AA and 2AB of the *NEL*.
- (b) Insofar as a civil penalty provision of the *Rules* is modified by a provision of this Chapter, the provision as modified:
 - (1) remains a civil penalty provision; and
 - (2) remains subject to the same civil penalty as specified by section 2AB of the *NEL*.

9A.2 Definitions

9A.2.1 Definitions inserted into Chapter 10

Chapter 10 is modified by inserting the following definitions in the appropriate alphabetical position:

access control network

Under an *access scheme*, all or part of a *transmission network* or *distribution network*:

- (a) that is not an *access rights network* under the *access scheme*; and
- (b) to which access is controlled under the *access scheme*.

access fee

A fee determined by the *consumer trustee* to be payable by a participant in an *access scheme* under the *EII Act*, section 26.

access right

An access right allocated:

- (a) under an *access scheme*; and
- (b) in accordance with the *declaration* for the *access scheme*.

access right notification

A notification given by the *infrastructure planner* for an *access scheme* to a *Network Service Provider* under the *EII Regulation*, clause 5(5) of Schedule 1A.

access rights network

- (a) Except as specified in paragraph (b), under an *access scheme*, all or part of a *transmission network* or *distribution network* identified as an access rights network in the *declaration* for the *access scheme*.
- (b) Under the *access scheme* that applies in the Central-West Orana *EII REZ*, the “Main CWO REZ Network Infrastructure Project”, as defined in the Notice of Authorisation – Main CWO REZ Network Infrastructure Project made by the *consumer trustee* dated 4 June 2024.

access rights register

For an *access scheme*, means the register:

- (a) of *access rights* under the *access scheme*; and
- (b) established under the *declaration* for the *access scheme*.

access scheme

Has the same meaning as in the *EII Act*.

applicable REZ access standard

An individual *REZ access standard* that forms part of a set of *applicable REZ access standards*.

applicable REZ access standards

Has the same meaning as in clause 9A.3.4(a).

capacity period

In relation to a *generating system* or *integrated resource system* in respect of which an *access right* has been allocated under an *access scheme*, has the meaning given in the *declaration* for the *access scheme*.

concurrent processing group

A group of two or more *Connection Applicants* for whom a *Network Service Provider* has decided to undertake concurrent *power system* studies under clause 9A.6.6, but does not include a *Connection Applicant* who has been removed from a concurrent processing group under clause 9A.6.7.

consumer trustee

Has the same meaning as in the *EII Act*.

cost recovery declaration

A declaration under the *EII Regulation*, clause 54B(1).

declaration

For an *access scheme*, the declaration made under the *EII Act*, section 24 for the *access scheme*.

EII Act

The *Electricity Infrastructure Investment Act 2020* (NSW).

EII asset

Network infrastructure that:

- (a) forms part of a *REZ network infrastructure project* or a *priority transmission infrastructure project* that is the subject of an *EII authorisation*; and
- (b) is specified in an *EII revenue determination* for a *Network Service Provider* as being *network infrastructure* for which the *Network Service Provider* is entitled to payment; and
- (c) is not the subject of a *cost recovery declaration*,

but, for the avoidance of doubt, does not include *network infrastructure* that is, or forms part of, a *designated network asset*, an *identified user shared asset* or a *funded augmentation*, unless the asset is:

- (d) the subject of an *EII authorisation* (for the purpose of paragraph (a)); or
- (e) specified in an *EII revenue determination* (for the purposes of paragraph (b)).

EII authorisation

Has the meaning given to the term **authorisation** by the *EII Act*, section 36.

EII network

A *network* that consists wholly or substantially of *EII assets*.

EII Regulation

The *Electricity Infrastructure Investment Regulation 2021* (NSW).

EII renewable energy zone* or *EII REZ

Has the meaning given to the term **renewable energy zone** or **REZ** by the *EII Act*.

EII regulated transmission service

Any of the following services:

- (a) developing, constructing or owning *EII assets*; or
- (b) using *EII assets* to provide:
 - (1) a *prescribed transmission service*; or
 - (2) a *connection service* that is provided to serve a *Transmission Network User*, or group of *Transmission Network Users*, at a single *transmission network connection point*.

EII revenue determination

Has the meaning given to the term **revenue determination** by the *EII Regulation*.

EII Transmission Network Service Provider

A *Transmission Network Service Provider* who has an *EII revenue determination* but does not have a *transmission determination* in respect of its *EII network*.

exception REZ access standard

In relation to a technical requirement of access for a particular *generating system* or *integrated resource system* to which a *REZ access standard* applies, a standard of performance that is different from the standard of performance specified in the *REZ access standard*.

infrastructure planner

- (a) For an *access scheme*, the infrastructure planner appointed under the *EII Act* for the *EII renewable energy zone*, or part of the *EII renewable energy zone*, to which the *access scheme* relates.
- (b) For an *IP planned REZ network*, the infrastructure planner appointed under the *EII Act* for the *EII renewable energy zone*, or part of the *EII renewable energy zone*, of which the *IP planned REZ network* forms part.
- (c) For an *EII network*, the infrastructure planner appointed under the *EII Act* for the:
 - (1) *EII renewable energy zone*, or part of the *EII renewable energy zone*, of which the *EII network* forms part; or
 - (2) the *priority transmission infrastructure project* of which the *EII network* forms part.

IP planned REZ network

- (a) A *transmission network* that:
 - (1) forms part of an *EII renewable energy zone*; and
 - (2) is an *EII network*; or
- (b) a part of a *transmission network* that:
 - (1) forms part of an *EII renewable energy zone*; and
 - (2) is an *EII network*; and
 - (3) is separable from (that is, distinct and definable from) any part of the *transmission network* that is not an *EII network*,

but does not include a *transmission network* or part of a *transmission network* that has been declared not to be an *IP planned REZ network* under the *EII Regulation*, clause 6(1) of Schedule 1B.

IP recommendation

A recommendation made under the *EII Act*, section 30.

maximum capacity

For a proposed or existing *generating system* or *integrated resource system*, the highest maximum capacity in MW for the *access right* for

the proposed or existing *generating system* or *integrated resource system* that is specified in the *access rights register* for the *access scheme* for any *capacity period*.

network infrastructure

Has the same meaning as in the *EII Act*.

notification readiness criteria

The notification readiness criteria determined by the *infrastructure planner* for an *access scheme* for an *access rights network* or part of an *access rights network* under the *EII Regulation*, clause 7 of Schedule 1A.

priority transmission infrastructure project

Has the same meaning as in the *EII Act*.

REZ access standard

For an *access scheme*, a technical standard of performance for *connection* to an *access rights network* under the *access scheme*:

- (a) made under the *EII Regulation*, clause 1 of Schedule 1B, by the *infrastructure planner* for the *access scheme*; and
- (b) expressed as a standard of performance or a range of standards of performance.

REZ access standards compliance notification

A notification by *AEMO* or a *Network Service Provider* under clause 9A.6.5(c).

REZ network infrastructure project

Has the same meaning as in the *EII Act*.

standard range

For a *REZ access standard*, a range of standards for the technical requirement of access set out in the *REZ access standard*.

standard range setting

A standard within a *standard range*.

system strength access fee

A component of an *access fee* that is identified in the *access rights register* for an *access scheme* as attributable to the provision of system strength for an *access rights network*.

TransGrid

NSW Electricity Networks Operations Pty Limited as trustee for the NSW Electricity Networks Operations Trust ABN 70 250 995 390.

Transmission Asset Management Report

A report published under clause 9A.9.6.

9A.2.2 Modified Chapter 10 definitions

- (a) The definitions in Chapter 10 mentioned in the following provisions of this clause are modified as provided by those provisions.
- (b) The definition of *applicable regulatory instruments* is modified so that the following are inserted after subparagraph (f) in paragraph (1):
 - and
 - (g) the *EII Act*; and
 - (h) all regulations and determinations made under the *EII Act*.
- (c) The definition of *Connection Applicant* is modified so that the following is inserted after paragraph (b):

In respect of establishing or modifying a *connection* to an *access rights network* under an *access scheme*, a *Connection Applicant* includes a person who:

 - (a) is, or intends to become, a *Registered Participant*; and
 - (b) holds an *access right* for the *access scheme*.
- (d) The definition of a *dedicated connection asset* is modified so that apparatus, equipment, *plant* and buildings that include powerlines with a route length of 30km or longer may be a dedicated connection asset if they are for a *connection* to an *access rights network* under an *access scheme*.
- (e) The definition of a *funded augmentation* is modified so that a funded augmentation does not include an *EII asset*.
- (f) The definition of *joint planning project* is modified so that a joint planning project includes a project the purpose of which is to address a need identified under clause 9A.10.3.

Note

The definition of *joint planning project* in Chapter 10 refers to the definition of that expression in clause 5.10.2.
- (g) The definition of *Local Network Service Provider* is modified so that the *Network Service Provider* for an *access rights network* under an *access scheme* is the *Local Network Service Provider* for:
 - (1) a *connection* to the *access rights network*; or
 - (2) a *connection point* on the *access rights network*,other than a *connection* or a *connection point* between an *access rights network* and a *transmission network* that does not form part of an *access rights network*.
- (h) The definition of *negotiated transmission service* is modified so that a negotiated transmission service does not include an *EII regulated transmission service*.
- (i) The definition of *NEL (National Electricity Law)* is modified so that so that the following is inserted at the end of the definition:

, and as otherwise amended, modified or disappplied in New South Wales.

- (j) The definition of *prescribed common transmission services* is modified so that the following is inserted after paragraph (b):
- Prescribed common transmission services* includes services classified as *prescribed common transmission services* in a *cost recovery declaration*.
- (k) The definition of *prescribed transmission service* is modified so that the following is inserted after paragraph (c):
- or
- (c1) services classified as *transmission services* in a *cost recovery declaration*,
- (l) The definition of *prescribed TUOS services or prescribed transmission use of system services* is modified so that the following is inserted after paragraph (b):
- Prescribed TUOS services* includes services classified as *prescribed TUOS services* in a *cost recovery declaration*.
- (m) The definition of *Primary Transmission Network Service Provider* is modified so that the *Transmission Network Service Provider* for an *access rights network* under an *access scheme* is the Primary Transmission Network Service Provider for:
- (1) *connection* to the *access rights network*, including through a *designated network asset*; and
 - (2) the calculation of the *settlements residues* that accrue on *designated network assets* that form part of the *access rights network* and the distribution or recovery of those *settlements residues* from each owner of a *designated network asset* that forms part of the *access rights network*.
- (n) The definition of a *regulatory obligation or requirement* is modified so that an *EII Transmission Network Service Provider* is taken to be a regulated network service provider.
- Note**
- The definition of a *regulatory obligation or requirement* in Chapter 10 refers to the definition in section 2D of the *National Electricity Law*. This modification applies for the purpose of the *Rules* only.
- (o) The definition of *Rules* is modified so that so that the following is inserted at the end of the definition:
- , and as modified pursuant to the *EII Regulation*.

Part B Connection and access

9A.3 Connection and access framework

9A.3.1 Preliminary

- (a) The purpose of this rule is to set out how the framework for *connection* and *access* (including as set out in Part B of Chapter 5) is modified in New South

Wales under the *EII Act* in respect of an *access rights network* or an *access control network* under an *access scheme*.

- (b) The principles set out in clause 5.1A.2 apply subject to the operation of this rule.

9A.3.2 Processes associated with connections

Clause 5.2.3(d)(1) applies subject to the operation of this rule.

9A.3.3 Right to access

- (a) *Connection* and access to an *access rights network* or *access control network* is subject to the requirements of the *access scheme* for that *network*.

Note

See also rules 9A.5, 9A.6 and 9A.8, which make additional specific modifications related to an *access scheme*.

- (b) *Connection* and access to a *designated network asset* that forms, or will form, part of an *access rights network* or *access control network* is subject to both the *access policy* for the *designated network asset* and the requirements of the *access scheme* for that *network*.

Note

See also clause 9A.4.4, which modifies the *Rules* in respect of the development of *access policies* for *designated network assets*.

9A.3.4 Applicable access standards

- (a) This clause applies in respect of a proposed or existing *generating system* or *integrated resource system* if the *access rights register* for an *access scheme* specifies that a set of *REZ access standards* apply to the proposed or existing *generating system* or *integrated resource system* (***applicable REZ access standards***).

Note

See also rule 9A.6, which modifies the *connection* process set out in rule 5.3 to incorporate *REZ access standards*.

- (b) If this clause applies in respect of a proposed or existing *generating system* or *integrated resource system*:
- (1) each *REZ access standard* included in the set of *REZ access standards*:
 - (i) applies in respect of the proposed or existing *generating system* or *integrated resource system*; and
 - (ii) replaces the *automatic access standard* for the technical requirement of access to which it relates, and a reference in the *Rules* to an *automatic access standard* is a reference to the *REZ access standard*; and
 - (iii) is taken to be a requirement of, and to be set in accordance with, the clause of schedule 5.2 to which it is specified to relate; and

- (2) for a *REZ access standard* concerning a technical requirement of access to which a clause of schedule 5.1 relates, the *Network Service Provider* must:
- (i) if the *REZ access standard* prescribes a technical requirement of access, apply the *REZ access standard*;
 - (ii) if the *REZ access standard*:
 - (A) is completed by the specification of a value (such as a limit or time); and
 - (B) defines the value by reference to the *automatic access standard* or a *minimum access standard*,
specify the value by reference to the *automatic access standard* or *minimum access standard* (as applicable) in accordance with the relevant clause of schedule 5.1;
 - (iii) if the *REZ access standard*:
 - (A) is completed by the specification of a value (such as a limit or time); and
 - (B) does not prescribe how the value is to be determined,
specify the value so that the *REZ access standard*, when completed:
 - (C) meets or exceeds the *minimum access standard* determined by the *Network Service Provider* in accordance with the relevant clause of schedule 5.1; and
 - (D) does not exceed the *automatic access standard* determined by the *Network Service Provider* in accordance with the relevant clause of schedule 5.1;
- (3) when the *Network Service Provider* is specifying the:
- (i) *voltage* fluctuation limits under clause S5.1.5 for the purposes of subparagraph (2), clause S5.1.5(c) does not apply; or
 - (ii) harmonic *voltage* distortion limits under clause S5.1.6 for the purposes of subparagraph (2), clause S5.1.6(c) does not apply;
- and
- (4) a technical requirement or value applied or specified by the *Network Service Provider* in accordance with subparagraph (2) or (3) is taken to be a requirement of, and to be set in accordance with, the clause of schedule 5.1 to which the technical or value relates; and
 - (5) a *negotiated access standard* may not be adopted as an acceptable alternative to an *applicable REZ access standard* and clause 5.3.4A does not apply to the proposed or existing *generating system* or *integrated resource system*; and
 - (6) clause 4.14(o) does not apply in respect of the proposed or existing *generating system* or *integrated resource system*; and

- (7) despite clauses 5.3.3(b2) to (b4), a *plant standard* may not be adopted as an acceptable alternative to an *applicable REZ access standard* for the proposed or existing *generating system* or *integrated resource system*; and
- (8) an amendment to a *REZ access standard* for an *access scheme* does not apply to a proposed or existing *generating system* or *integrated resource system* or to an alteration to that *generating system* or *integrated resource system* if the *access right* for that *generating system* or *integrated resource system* was allocated before the date of the amendment; and

Note

See the *EII Regulation*, clause 3 of Schedule 1B for the process for amending a *REZ access standard* for an *access scheme*.

- (9) any other provision of the *Rules* that requires, permits, facilitates or refers to the adoption of *negotiated access standards*, or the negotiation, renegotiation or amendment of *performance standards*, does not apply in respect of a proposed or existing *generating system* or *integrated resource system* to which this clause applies to the extent that it requires, permits, facilitates or refers to:
 - (i) the adoption of *negotiated access standards* in respect of the proposed or existing *generating system* or *integrated resource system*; or
 - (ii) the negotiation, renegotiation or amendment of an *access standard* in respect of an existing *generating system* or *integrated resource system* in a manner that does not comply with an *applicable REZ access standard* or an *exception REZ access standard*.
- (c) Nothing in paragraph (b)(9)(ii) limits the application of clause 9A.6.4.

9A.3.5 System strength mitigation requirement

- (a) This clause applies in respect of a proposed or existing *generating system* or *integrated resource system*, or a proposed alteration to a *generating system* or *integrated resource system*, if an *access rights register* for an *access scheme* specifies that a *system strength access fee* is payable in respect of all of the *maximum capacity* of the *generating system* or *integrated resource system*.
- (b) If this clause applies in respect of a proposed or existing *generating system* or *integrated resource system*, or a proposed alteration to a *generating system* or *integrated resource system*:
 - (1) clause 5.3.4B does not apply in relation to a proposed new, or proposed alteration to a, *connection* of the *generating system* or *integrated resource system*; and
 - (2) any other provision of the *Rules* that requires, permits, facilitates or refers to the application of clause 5.3.4B in relation to the *generating system* or *integrated resource system* does not apply to the extent that it requires, permits, facilitates or refers to action being taken under clause

5.3.4B in relation to the *generating system* or *integrated resource system*, other than as provided by subparagraph (3); and

- (3) the *Local Network Service Provider* must undertake modelling in accordance with the *system strength impact assessment guidelines* to verify the stability of the *generating system* or *integrated resource system*; and

Note

See clause 5.3.4B(a2)(4).

- (4) the *system strength impact assessment guidelines* apply in respect of the *generating system* or *integrated resource system* to the extent that they are relevant to:
- (i) the modelling to be undertaken by the *Local Network Service Provider* under subparagraph (3); and
 - (ii) assessing compliance with a *REZ access standard*, *exception REZ access standard* or another technical requirement of the *Rules* that is applicable to the proposed or existing *generating system* or *integrated resource system*.
- (c) If in *AEMO*'s reasonable opinion:
- (1) information of the type described in clause 4.3.4(o) is required to enable the *Local Network Service Provider* to conduct an assessment required by this clause, *AEMO* may request any other relevant *Network Service Provider* to provide the information and, following such a request, the *Network Service Provider* must provide the information to *AEMO* and the *Local Network Service Provider*; or
 - (2) information of the type described in clause S5.2.4 and schedule 5.5 is required to enable the *Local Network Service Provider* to conduct an assessment required by this clause, *AEMO* may request a *Generator* or *Integrated Resource Provider* to provide the information and, following such a request, the *Generator* or *Integrated Resource Provider* must provide the information to *AEMO* and the *Local Network Service Provider*.
- (d) All information provided to *AEMO* and a *Network Service Provider* under paragraph (c) must be treated as *confidential information* by those recipients.

9A.3.6 Reporting to AEMO on technical issues

- (a) Where a *network augmentation*, setting change or other technical issue arises on an *access rights network* or *access control network* and could impact one or more other *transmission networks* within New South Wales, the *Transmission Network Service Provider* must provide *AEMO* with a written report on the impact and its effects.

Note

This paragraph is classified as a tier 2 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (b) *AEMO* must, on request, provide to a *Network Service Provider* a copy of any report provided to *AEMO* under paragraph (a).
- (c) Where a *Registered Participant* reasonably considers that its *plant* is or may be adversely affected by a development or change across *transmission network* boundaries within New South Wales, the *Registered Participant* may request the relevant *Network Service Provider* to prepare a report as to the technical impacts of the development or change. If so requested, the *Network Service Provider* must prepare a report and provide a copy of it to *AEMO*, the *Registered Participant* requesting the report and, on request, any other *Registered Participant*.

Note

This paragraph is classified as a tier 2 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

9A.4 Assets and services relevant to transmission network connection and access

9A.4.1 Purpose of rule 9A.4

The purpose of this rule is to set out how the framework relating to the assets and services relevant to *connection* and access to a *transmission network* (including as set out in rule 5.2A) is modified in New South Wales under the *EII Act*.

9A.4.2 Primary Transmission Network Service Provider and Local Network Service Provider roles

- (a) The *Transmission Network Service Provider* for an *access rights network* is responsible for processing *connections* to, and *connection points* on, the *access rights network* and is the *Primary Transmission Network Service Provider* and the *Local Network Service Provider* for the *access right network*, including *identified user shared assets* and *designated network assets* that form part of an *access rights network*.

Note

See also the modification of the definitions of *Local Network Service Provider* and *Primary Transmission Network Service Provider* in clause 9A.2.2.

- (b) This clause does not apply to a *connection* between an *access rights network* and another *transmission network* that does not form part of an *access rights network*.

9A.4.3 Provision of negotiated or non-regulated transmission services under rule 5.2A

- (a) This clause does not apply to the provision of an *EII regulated transmission service*.

Note

EII regulated transmission services include *prescribed transmission services* and certain *connection services* that are provided using *EII assets*. A *Network Service Provider* will be paid for the provision of *EII regulated transmission services* under an *EII revenue determination*.

- (b) For this clause:
- (1) a **relevant network** means an *access rights network*, or a part of an *access rights network*, that consists of *EII assets*; and
 - (2) the **infrastructure planner** is, for a relevant network, the *infrastructure planner* appointed under the *EII Act* for the *EII renewable energy zone*, or part of the *EII renewable energy zone*, of which a relevant network forms part.

- (c) The *Transmission Network Service Provider* for a relevant network may not provide *transmission services* in respect of a *designated network asset* that is proposed to be *connected* to the relevant network unless the *infrastructure planner* for the relevant network gives written consent to the *designated network asset* being designed and constructed.

Note

This paragraph is classified as a tier 2 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (d) The owner of a *designated network asset* may apply to the *infrastructure planner* for consent under clause 5.3.4(a1)(2) or approval under clause 9A.4.4(b) at the same time as it applies for consent under paragraph (c).

Note

See clauses 9A.4.4 and 9A5.5.

- (e) If the *infrastructure planner* gives written consent under paragraph (c) in relation to a *designated network asset* then, subject to paragraph (f), *transmission services* in respect of the *designated network asset* must be procured and provided in accordance with Chapter 5.

- (f) If:

- (1) a service for a *designated network asset* or an *identified user shared asset* that relates to a *connection* or proposed *connection* to a relevant network is classified as *contestable* under clause 5.2A.4(a) or is deemed to be a *non-regulated transmission service* under clause 5.2A.4(c); and
- (2) the *infrastructure planner* for the relevant network gives written consent to the service being *contestable* in respect of the *connection* or proposed *connection*,

then the service is taken to be *contestable* and the *Transmission Network Service Provider* for the relevant network may (but is not obliged to) provide that service as a *non-regulated transmission service* on request from a *Connection Applicant*.

- (g) If the *infrastructure planner* does not give written consent under paragraph (f)(2) to a service in respect of a *designated network asset* or an *identified user shared asset* being *contestable*, the service is taken to be a *non-contestable* service that the *Transmission Network Service Provider* for the relevant network has an exclusive right to provide as a *negotiated transmission service* in accordance with Chapter 5.

- (h) The *Transmission Network Service Provider* for a relevant network is required to publish or provide information under clause 5.2A.5 in respect of the relevant network only if and to the extent that the *infrastructure planner* directs it in writing to do so.
- (i) If the *infrastructure planner* for a relevant network directs a *Transmission Network Service Provider* under paragraph (h) to provide detailed technical requirements for a particular *designated network asset* or *identified user shared asset*, the *Transmission Network Service Provider* must provide a functional specification that is the same as the functional specification set by the *infrastructure planner* for relevant network under the *EII Regulation*, clause 9 of Schedule 1A.

Note

See the requirement in schedule 5.10 for a *Primary Transmission Network Service Provider* to provide detailed technical requirements for a particular *connection*.

- (j) A *dedicated connection asset* that *connects* to a relevant network cannot be converted to a *designated network asset* under clause 11.139.4 unless the *infrastructure planner* for the relevant network gives written consent.

9A.4.4 Alignment of access policies and access schemes in respect of designated network assets

- (a) A *designated network asset* that has a *boundary point* with an *identified user shared asset* that is part of an *access rights network* or *access control network* under an *access scheme* forms part of the *access rights network* or *access control network*.
- (b) The owner of a *designated network asset* that forms part of an *access rights network* or *access control network* must submit an *access policy* for the *designated network asset* for approval by the *infrastructure planner* for the *access scheme* as being consistent with the *declaration* for the *access scheme*.

Note

This paragraph is classified as a tier 2 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (c) Approval of the *infrastructure planner* under paragraph (b) must be obtained before an *access policy* is submitted to the *AER* for approval under clause 5.2A.8(d).

Note

This paragraph is classified as a tier 2 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

Note

See also clause 9A.4.3(d).

- (d) The requirements and processes for the approval of an *access policy* under paragraphs (b) to (c) also apply to a proposed variation to such an *access policy*.
- (e) If the *AER* decides not to approve an *access policy* by notification under clause 5.2A.8(f)(2):

- (1) the *AER* must consult with the *infrastructure planner* on any amended *access policy* that the owner of the *designated network asset* has submitted under clause 5.2A.8(f1); and
 - (2) the *AER* may only approve the amended *access policy* if it is reasonably satisfied that the amended *access policy* is consistent with the *declaration* for the *access scheme*.
- (f) If the *AER* itself develops an *access policy* under clause 5.2A.8(f2):
- (1) the *AER* must consult with the *infrastructure planner* on that *access policy*; and
 - (2) the *AER*'s proposal for the *access policy* must be developed with regard to ensuring that the *access policy* is consistent with the *declaration* for the *access scheme*.

9A.5 Connection process for connections to an access rights network or an access control network

9A.5.1 Purpose of rule 9A.5

The purpose of this rule is to provide for the commencement of the *connection* process for the *connection* of a *generating system* or *integrated resource system* to an *access rights network* or an *access control network* under an *access scheme*.

9A.5.2 Connection enquiry not required

- (a) Clause 5.3.2(a) to (e) do not apply to a person who proposes to establish a *connection* for a *generating system* or *integrated resource system* to an *access rights network* under an *access scheme*.
- (b) Clause 5.3.2(f) applies as if the reference to a *connection* enquiry includes a reference to an *access right notification*.
- (c) A *Network Service Provider* who provides a response to an *access right notification* to a *Connection Applicant* under clause 9A.5.3(a)(4) may charge an enquiry fee under clause 5.3.2(g) as though the *access right notification* were a *connection* enquiry.

9A.5.3 Response to access right notification

- (a) If a *Network Service Provider* receives an *access right notification* from the *infrastructure planner* for an *access scheme*, the *Network Service Provider* must:
 - (1) as soon as practicable after it has received the *access right notification*:
 - (i) notify the *Connection Applicant* that the *Network Service Provider* has received the *access right notification*; and
 - (ii) set out any *notification readiness criteria* that the *infrastructure planner* for the *access scheme* has determined for the relevant *access rights network* or part of the *access rights network*; and
 - (2) if the information provided to the *Network Service Provider* by the *infrastructure planner* is inadequate to enable the *Network Service Provider* to process the *access right notification* in accordance with

clause 5.3.3 (as modified by this clause) within 5 *business days* after receiving the *access right notification*, inform the *Connection Applicant* what other relevant preliminary information of a kind listed in schedule 5.4 is required before the *access right notification* can be processed further; and

- (3) if the *infrastructure planner* for the *access scheme* has determined *notification readiness criteria* for the relevant *access rights network* or part of the *access rights network*, notify the *Connection Applicant* that the *notification readiness criteria* have been met, as soon practicable after the criteria have been met; and
- (4) provide a response to the *access right notification* to the *Connection Applicant* within 40 *business days* after the later of:
 - (i) the notification response trigger date (see paragraph (b)); and
 - (ii) the date on which the *Network Service Provider* has received all such additional information requested under subparagraph (2).

Note

This paragraph is classified as a tier 3 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

Note

Access right notifications are required to be provided by the *infrastructure planner* for an *access scheme* following the allocation of an *access right* under the *EII Regulation*, clause 5(5) of Schedule 1A. See also the modified definition of *Connection Applicant* in clause 9A.2.2.

- (b) The *notification response trigger date* is the later of:
 - (1) the date on which the *access right notification* is received by the *Network Service Provider*; and
 - (2) if the *infrastructure planner* for the *access scheme* has determined *notification readiness criteria* for the relevant *access rights network* or part of the *access rights network*, the date when the relevant *network*, or relevant part of the *network*, meets the *notification readiness criteria*.
- (c) Clauses 3.7F(b)(4)(ii) and 3.7F(g)(1) apply as if the reference to a valid *connection enquiry* includes a reference to an *access rights notification*.
- (d) Clause 5.3.3 applies to the provision of a response to an *access right notification* by a *Network Service Provider* as if the *access right notification* were a *connection enquiry*, and a response to an *access right notification* is taken to be provided under clause 5.3.3.
- (e) However, if a *Network Service Provider* is required to provide a response to an *access right notification*:
 - (1) the timeframes specified in clause 5.3.3 for the provision of information by the *Network Service Provider* do not apply; and
 - (2) all required information must instead be provided by the *Network Service Provider* within the timeframes specified by paragraph (a).
- (f) If *REZ access standards* apply to a *Connection Applicant's* proposed *generating system* or *integrated resource system*:

- (1) the *Network Service Provider* must provide the *Connection Applicant* with written details of the *applicable REZ access standards*; and
- (2) the provision of the details is taken to have satisfied the *Network Service Provider's* obligation under clause 5.3.3(b1)(3) to provide written details of the *applicable automatic access standards*; and
- (3) the *Network Service Provider* is not required to provide written details of the matters specified in clause 5.3.3(b1)(4), (5) and (6).

Note

See also clause 9A.3.4 in relation to the application of *REZ access standards*.

- (g) A *Transmission Network Service Provider's* obligation under clause 5.3.3 to provide information to a *Connection Applicant* regarding the provision of *negotiated transmission services* and *non-regulated transmission services* in relation to the proposed *connection* is subject to clause 9A.4.3.
- (h) If a *Connection Applicant* becomes aware of any material change to information contained in or relevant to an *access right notification* after being notified of the receipt of the *access right notification* or after receipt of the response from the *Network Service Provider* under this clause, that *Connection Applicant* must promptly notify the *Network Service Provider* of that change.

Note

This paragraph is classified as a tier 3 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (i) A response to an *access right notification* is taken to be a response to a *connection enquiry* for the purpose of clause S5.1.13.

9A.5.4 Response to access right notification or connection enquiry – transitional provisions

- (a) If a *Transmission Network Service Provider* receives an *access right notification* from the *infrastructure planner* in relation to an *access right holder* to whom the *Transmission Network Service Provider* has provided a response to a *connection enquiry* under clause 5.3.3 before the *declaration* for the *access scheme* is made:
 - (1) the *Transmission Network Service Provider* is not required to provide a response to the *access right notification* if:
 - (i) the *Transmission Network Service Provider* is satisfied that no changes are required to the response to the *connection enquiry* taking into account the *access right notification*; and
 - (ii) the *Transmission Network Service Provider* notifies the relevant *access right holder* within the timeframe specified in clause 9A.5.3(a)(2) that the *access right holder* may treat the response to the *connection enquiry* previously provided under clause 5.3.3 as a response to the *access right notification*; or
 - (2) the *Transmission Network Service Provider* may provide a response to the *access right notification* under clause 9A.5.3(a)(4) provided that it

notifies the relevant *access right* holder that the response supersedes the response to the *connection* enquiry previously provided under clause 5.3.3 and identifies any changes to information or data that was provided in that response to the *connection* enquiry.

- (b) If a *Transmission Network Service Provider* receives a *connection* enquiry from a person who wishes to *connect* a *generating system* or *integrated resource system* to its *network* and, following receipt of that *connection* enquiry but before the *Transmission Network Service Provider* has provided a response to the *connection* enquiry under clause 5.3.3 the relevant *network* becomes an *access rights network*, the *Transmission Network Service Provider* may, but is not required to, provide a response to the *connection* enquiry under clause 5.3.3.

Note

If a *Transmission Network Service Provider* does not provide a response to a *connection* enquiry under clause 5.3.3, then it must provide a response to the *access right notification* to the relevant *Connection Applicant* under clause 9A.5.3(a)(4) if it receives an *access right notification* in respect of that application.

9A.5.5 Right to make an application to connect after receipt of an access right notification response

- (a) Clause 5.3.4 is modified by inserting the following after paragraph (a):
- (a1) A person must not submit an *application to connect* to an *access right network* under an *access scheme* unless:
- (1) for the *connection* of a *generating system* or *integrated resource system*—the person is registered as the holder of an *access right* for the *generating system* or *integrated resource system* in the *access rights register* for the *access scheme*; or
- (2) in any other case—the person has obtained the consent of the *infrastructure planner* for the *access scheme*.
- (a2) A person must not submit an *application to connect* any of the following to an *access control network* under an *access scheme* unless the person has obtained the consent of the *infrastructure planner* for the *access scheme*:
- (1) a *transmission network*;
- (2) a *distribution network*;
- (3) a *generating system*;
- (4) an *integrated resource system*.
- (b) A person who meets the requirements of clause 5.3.4(a1) or (a2) and has received a response to an *access right notification* may make an *application to connect*.
- (c) An *application to connect* made in accordance with this clause is taken to be made in accordance with clause 5.3.4(a).

Note

A reference in clauses 5.3.2(f), 5.3.6(a) and (b) and S5.2.4(b)(1), and in the definition of *releasable user guide*, to an application made in accordance with or under clause 5.3.4(a) will be taken to include a reference to an application referred to in this paragraph.

9A.5.6 Offer to connect

- (a) Clause 5.3.6 is modified by omitting “paragraph (a3)” from paragraph (a) and inserting instead “paragraphs (a3), (a4) and (a5)”.
- (b) Clause 5.3.6 is further modified by inserting the following after paragraph (a3):
 - (a4) A *Network Service Provider* must not make an offer to *connect* a person’s facilities to an *access rights network* under an *access scheme* unless:
 - (1) for the connection of a *generating system* or *integrated resource system*:
 - (i) the person seeking to *connect* the *generating system* or *integrated resource system* is registered as the holder of an *access right* for the *generating system* or *integrated resource system* in the *access rights register* for the *access scheme*; and
 - (ii) the *generating system* or *integrated resource system* is to be *connected* to the part of the *network* to which the *access right* relates; or
 - (2) in any other case – the *Network Service Provider* has obtained the consent of the *infrastructure planner* for the *access scheme*.
 - (a5) A *Network Service Provider* must not make an offer to *connect* any of the following to an *access control network* under an *access scheme* unless the *Network Service Provider* has obtained the consent of the *infrastructure planner* for the *access scheme*:
 - (1) a *transmission network*;
 - (2) a *distribution network*;
 - (3) a *generating system*;
 - (4) an *integrated resource system*.

9A.5.7 Provision of information

- (a) A *Network Service Provider* may disclose data and information provided under this rule to *AEMO* for:
 - (1) a purpose set out in clause 5.3.8(b); or
 - (2) the purpose of enabling *AEMO* to assess compliance with *REZ access standards* under rule 9A.6 (and on the basis that the data or information will only be used by *AEMO*).
- (b) A *Network Service Provider* may disclose data and information provided under this rule to another *Network Service Provider* if the data or information

is materially relevant to that other provider for *connection* of the relevant *generating system* or *integrated resource system*.

- (c) A *Network Service Provider* intending to disclose data or information under paragraph (a) or (b) must first advise the relevant *Connection Applicant* of the proposed disclosure, unless the information may be disclosed in accordance with rule 8.6.

9A.5.8 Procedure to be followed by a Generator or Integrated Resource Provider proposing to alter a generating system or integrated resource system

Clause 5.3.9 is modified by inserting the following after paragraph (b):

- (b1) Before submitting information under paragraph (b), a *Generator* or *Integrated Resource Provider* to which this clause applies must, if the *generating system* or *integrated resource system* is *connected* to an *access rights network* or *access control network* under an *access scheme*, obtain the consent of the *infrastructure planner* for the *access scheme*.

Note

This paragraph is classified as a tier 3 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

9A.5.9 Schedule 5.6

Schedule 5.6 Part A is modified by inserting the following after paragraph (o):

- (p) If the *Connection Applicant* is *connecting* a *generating system* or *integrated resource system* to an *access rights network* under an *access scheme*:
 - (1) details of the *access right* applicable at the *connection point*; and
 - (2) a requirement:
 - (i) specifying that, for a *capacity period* set out in the *access rights register* for the *access scheme*, the maximum permitted output of the *generating system* or *integrated resource system* must not be higher than the *maximum capacity* specified in the *access rights register*; and
 - (ii) that applies for the duration of the *access scheme*; and
 - (iii) that does not limit an obligation to comply with a *direction* or *clause 4.8.9 instruction*.

9A.6 Incorporation of REZ access standards into the connection process

9A.6.1 Purpose of rule 9A.6

The purpose of this rule is to provide for modifications to the *connection* process set out in rule 5.3 in respect of the application of *REZ access standards*.

9A.6.2 Application of rule 9A.6

This rule applies in respect of the proposed or existing *connection* of a *generating system* or *integrated resource system* to which clause 9A.3.4 applies, to an *access rights network* under an *access scheme*.

Note

See clause 9A.3.4(a).

9A.6.3 Nomination of REZ Access Standards in an application to connect (clause 5.3.4)

An *application to connect* for a proposed *connection* to which this rule applies:

- (a) must include a confirmation that the *generating system* or *integrated resource system* will meet the *applicable REZ access standards*; and
- (b) if the *applicable REZ access standards* include a *REZ access standard* with a *standard range*, must nominate a preferred *standard range setting* for that *REZ access standard*; and
- (c) must not include a proposal for *negotiated access standards* under clause 5.3.4(c).

Note

A *Network Service Provider* may make an offer to *connect* that adopts a *standard range setting* that is different from the preferred *standard range setting* nominated under this clause. See clause 9A.6.9(b)(2).

9A.6.4 Exception REZ access standards

- (a) A *Network Service Provider* who has received:
 - (1) an *application to connect* for a proposed *connection* to which this rule applies; or
 - (2) a proposal under clause 5.3.9 to alter a *generating system* or *integrated resource system* to which this rule applies,may at any time request the *Connection Applicant*, *Generator* or *Integrated Resource Provider* and *AEMO* (if required) to agree to the replacement of an *applicable REZ access standard* for the *generating system* or *integrated resource system* with an *exception REZ access standard*.
- (b) A request for *AEMO*'s agreement is only required if the *REZ access standard* relates to an *AEMO advisory matter*.
- (c) A *Network Service Provider* may make a request under paragraph (a) only if:

- (1) it is reasonably necessary to enable the *Network Service Provider* to do any of the following:
 - (i) meet a *system standard*;
 - (ii) meet the *power system* performance and quality of *supply* standards in accordance with clause 5.2.3(b);
 - (iii) achieve another objective approved by the *infrastructure planner* for the relevant *access scheme*; and
 - (2) where it appears that another *Network Service Provider* could be affected if the *applicable REZ access standard* were to be replaced – the *Network Service Provider* has consulted with that other *Network Service Provider*.
- (d) An *exception REZ access standard* proposed by a *Network Service Provider*:
- (1) must be established at a level that is at or above the *minimum access standard* for the technical requirement of access to which it relates; and
 - (2) must be set as close as possible to the *REZ access standard* that it is proposed to replace while still enabling the achievement of a relevant objective under paragraph (c)(1); and
 - (3) must not adversely affect another *Network Service Provider's* ability to meet a standard referred to in paragraph (c)(1)(i) or (ii).
- (e) If the *Connection Applicant, Generator or Integrated Resource Provider* and *AEMO* (in relation to an *AEMO advisory matter*) agree to the replacement of a *REZ access standard* with an *exception REZ access standard* proposed by a *Network Service Provider*:
- (1) the *exception REZ access standard* replaces the *REZ access standard* in respect of the *Connection Applicant's generating system or integrated resource system*; and
 - (2) clause 9A.3.4(b)(1) applies to the *exception REZ access standard* in the same way that it applied to the *REZ access standard*.

9A.6.5 REZ access standards compliance notification

- (a) Within 30 *business days* after the later of:
- (1) receipt by a *Network Service Provider* of:
 - (i) an *application to connect* to which this rule applies; or
 - (ii) a proposal to alter a *generating system or integrated resource system* under clause 5.3.9 to which this rule applies; and
 - (2) receipt of all information required to be provided by the *Connection Applicant or Registered Participant* under clause S5.2.4 or S5.5.6,
- the *Network Service Provider* and *AEMO* must each decide whether it is satisfied that the *Connection Applicant, Generator or Integrated Resource Provider* has demonstrated through *power system* studies that its proposed or altered *generating system or integrated resource system* will meet the *REZ*

access standards or any *exception REZ access standard* that replaces a relevant *REZ access standard*.

Note

This paragraph is classified as a tier 2 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (b) *AEMO* is only required to make a decision under paragraph (a) in relation to a *REZ access standard* or *exception REZ access standard* that relates to an *AEMO advisory matter*.
- (c) If the *Network Service Provider* or *AEMO* (in relation to an *AEMO advisory matter*) decides that it is satisfied of the matters referred to in paragraph (a) in relation to each *applicable REZ access standard* and *exception REZ standard*, it must notify the *Connection Applicant*, *Generator* or *Integrated Resource Provider* in writing of its decision.

Note

Each of these notifications is a *REZ access standards compliance notification*. See definition in clause 9A.2.1.

- (d) If the *Network Service Provider* or *AEMO* (in relation to an *AEMO advisory matter*) decides that it is not satisfied of the matters referred to in paragraph (a) in relation to one or more *REZ access standards* or *exception REZ access standards*, the *Network Service Provider* or *AEMO* (as the case may be) must:
 - (1) notify the *Connection Applicant*, *Generator* or *Integrated Resource Provider* in writing of its decision; and
 - (2) provide detailed written reasons for its decision.

Note

This paragraph is classified as a tier 2 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

9A.6.6 Formation of a concurrent processing group for power system studies

- (a) A *Network Service Provider* may allocate a *Connection Applicant* to a *concurrent processing group* with one or more other *Connection Applicants* for the purpose of making a decision under clause 9A.6.5(a) in respect of their respective *applications to connect* concurrently.
- (b) A *Connection Applicant* may be allocated to a *concurrent processing group* under this clause at the discretion of the *Network Service Provider*, and without the consent of the *Connection Applicant*.
- (c) If a *Network Service Provider* allocates a *Connection Applicant* to a *concurrent processing group* under paragraph (a), the *Network Service Provider* must immediately notify the *Connection Applicant*, the *infrastructure planner* for the *access scheme* applicable to the *Connection Applicant* and *AEMO* of its decision in writing and include the details of all members of the *concurrent processing group*.

Note

This paragraph is classified as a tier 3 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (d) A notification provided to a *Connection Applicant* under paragraph (c) must include a *preliminary program* showing milestones for *connection* and access activities that reflect the *Connection Applicant's* allocation to the *concurrent processing group*.

Note

This paragraph is classified as a tier 3 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (e) The *preliminary program* provided to a *Connection Applicant* under paragraph (d) replaces any *preliminary program* that was in place for the *Connection Applicant*.

9A.6.7 Removal from a concurrent processing group

- (a) A *Network Service Provider* may remove a *Connection Applicant* from a *concurrent processing group* if the *Connection Applicant* is the cause of a delay in the ability of the *Network Service Provider* or *AEMO* to progress or complete *power system studies* for the *concurrent processing group*.
- (b) For paragraph (a), a *Connection Applicant* will be taken to be the cause of a delay if:
- (1) the *Connection Applicant* fails to provide information required in respect of the *power system studies* within a timeframe specified by or under the applicable *preliminary program* or the *Rules*; or
 - (2) the quality of the information provided by the *Connection Applicant* in respect of the *power system studies* does not meet the standard reasonably required by the *Network Service Provider* or *AEMO*; or
 - (3) *power system studies* demonstrate that the *Connection Applicant's generating system* or *integrated resource system* does not meet:
 - (i) any *REZ access standard*; or
 - (ii) any *exception REZ access standard*; or
 - (iii) for any *REZ access standard* with a *standard range*, any setting with the *standard range*; or
 - (4) the *Network Service Provider* and the *infrastructure planner* for the *access scheme* applicable to the *Connection Applicant* agree that the *Connection Applicant* is the cause of a delay for a reason not mentioned in subparagraphs (1) to (3).
- (c) A *Network Service Provider* must, before removing a *Connection Applicant* from a *concurrent processing group*:
- (1) provide the *Connection Applicant* with a reasonable opportunity to resolve the issue that is causing delay or to satisfy the *Network Service Provider* that the *Connection Applicant* has not been the cause of a delay;

Note

This subparagraph is classified as a tier 2 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (2) consult with *AEMO* and the *infrastructure planner* for the *access scheme* applicable to the *Connection Applicant*; and
- (3) take into account:
 - (i) any feedback received from the *Connection Applicant*, *AEMO* or the *infrastructure planner*; and
 - (ii) whether the removal of the *Connection Applicant* from the *concurrent processing group* will contribute to the timely and efficient *connection* of *access right* holders for the relevant *access rights network*; and
 - (iii) the likely time and cost implications for the *Network Service Provider*, and all other *access right* holders for the relevant *access rights network*, of removing the *Connection Applicant* from the *concurrent processing group*.
- (d) A *Network Service Provider*:
 - (1) may also undertake any other consultation as it considers appropriate; and
 - (2) must take into account any feedback that it receives from the consultation.
- (e) If a *Network Service Provider* removes a *Connection Applicant* from a *concurrent processing group*, the *Network Service Provider* may, in its discretion:
 - (1) direct that the *Connection Applicant's application to connect* be assessed individually under clause 9A.6.5(a), and make such amendments as it considers appropriate (acting reasonably) to the *Connection Applicant's preliminary program*; or
 - (2) allocate the *Connection Applicant* to a later *concurrent processing group*.

9A.6.8 Preparation of an offer to connect where REZ access standards apply (Clause 5.3.5)

- (a) If both *AEMO* and a *Network Service Provider* have issued a *REZ access standards compliance notification* in respect of an *application to connect* for a *connection* to which this rule applies, the *Network Service Provider* must proceed to prepare an offer to *connect* under clause 5.3.5(a).
- (b) A *Network Service Provider* must not prepare an offer to *connect* in respect of an *application to connect* for a *connection* to which this clause applies unless *AEMO* and the *Network Service Provider* have issued a *REZ access standards compliance notification*.

Note

Submission of an *application to connect* at the *REZ access standards*, as modified by any *exception REZ access standard*, is taken to be a submission of an *application to connect* at the *automatic access standard* under clause 5.3.5(a)(1). See clauses 9A.3.4(b)(1)(ii) and 9A.6.4(e).

9A.6.9 Offer to connect where REZ access standards apply (Clause 5.3.6)

- (a) A *Network Service Provider* may extend the time period for making an offer to *connect* under clause 5.3.6(a)(1) to the extent that additional time is required for *AEMO* or the *Network Service Provider* to make a decision under clause 9A.6.5(a).
- (b) An offer to *connect* made by a *Network Service Provider* in response to an *application to connect* for a *connection* to which this rule applies:
 - (1) must specify that compliance with the *applicable REZ access standards* or any *exception REZ access standard* that replaces an *applicable REZ access standard* is a condition for *connection*; and
 - (2) may, for a REZ access standard with a standard range, specify a standard range setting that is different from the standard range setting nominated by the Connection Applicant under clause 9A.6.3.

Note

This paragraph is classified as a tier 3 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (c) A specification under paragraph (b) is taken to satisfy the *Network Service Provider's* obligations under clause 5.3.6(b)(1).

Note

See also clause 9A.5.6 regarding requirements that must be met before an offer to *connect* may be made under clause 5.3.6(a).

9A.6.10 Alteration of a generating system or integrated resource system to which REZ access standards apply (clauses 5.3.9 and 5.3.10)

- (a) If clause 5.3.9 applies in respect of:
 - (1) a *connected generating system* or *connected integrated resource system* to which this rule applies; or
 - (2) a *generating system* or *integrated resource system* in respect of which *REZ access standards compliance notifications* have been issued by *AEMO* and the *Network Service Provider*,

the relevant *Generator* or *Integrated Resource Provider* must not propose amendments to the *performance standards* for the *generating system* or *integrated resource system* under clause 5.3.9(b)(3) that are inconsistent with a *REZ access standard* or any *exception REZ access standard*.

Note

An *exception REZ access standard* may be proposed by a *Network Service Provider* under clause 9A.6.4 following receipt of a proposal to alter a *generating system* or *integrated resource system*. See also clause 9A.5.8.

- (b) Clause 5.3.10 does not apply to a *Generator* or *Integrated Resource Provider* in circumstances where paragraph (a) applies.
- (c) A *Generator* or *Integrated Resource Provider* for whom clause 5.3.10 is disapplied under paragraph (b) must not commission altered *generating plant* or altered *plant* comprised in an *integrated resource system* to which paragraph (a) applies until the *Network Service Provider* has advised the

Generator or Integrated Resource Provider that the *Network Service Provider* and *AEMO* are satisfied:

- (1) that the *Generator or Integrated Resource Provider* has complied with clause 5.3.9; and
- (2) that each amended *performance standard* that is submitted is consistent with any *applicable REZ access standard or exception REZ access standard*; and
- (3) subject to paragraph (e), that any *system strength remediation scheme* satisfies clause 5.3.4B.

Note

This paragraph is classified as a tier 1 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (d) *AEMO*:
 - (1) must advise the *Network Service Provider* as to whether it is satisfied with the matters referred to paragraph (c); and
 - (2) is only required to be satisfied under paragraph (c) in relation to *AEMO advisory matters* and *AEMO's advisory role* under clause 5.3.4B.
- (e) Paragraph (c)(3) does not apply where the proposed alteration includes an increase in the *maximum capacity* of the relevant *generating system* or *integrated resource system* and a *system strength access fee* is payable by the *access right* holder in respect of that additional *maximum capacity*.

Note

See clause 9A.3.5.

9A.6.11 Provision of information

- (a) A *Network Service Provider* may disclose data and information provided by a *Connection Applicant, Generator or Integrated Resource Provider* under this rule to *AEMO* for:
 - (1) a purpose set out in clause 5.3.8(b); or
 - (2) for the purpose of enabling *AEMO* to assess compliance with *REZ access standards* or any *exception REZ access standard* under this rule.
- (b) A *Network Service Provider* may disclose data and information provided under this rule to another *Network Service Provider* if the data or information is materially relevant to that other provider for *connection* of the relevant *generating system* or *integrated resource system*.
- (c) A *Network Service Provider* intending to disclose information under paragraph (a) or (b) must first advise the relevant *Connection Applicant* of the proposed disclosure, unless the information may be disclosed in accordance with rule 8.6.

9A.7 Connection process fees for connections to EII assets

9A.7.1 Purpose of rule 9A.7

The purpose of this rule is to ensure that a *Network Service Provider* does not receive a payment through *connection* process fees for work it is entitled to receive payment for under an *EII revenue determination*.

9A.7.2 Exclusion of costs recovered under an EII revenue determination

Fees charged under the *Rules* by a *Network Service Provider* in respect of the *connection* process of a *Connection Applicant*, including any fees mentioned in clause 5.2A.5(b), 5.3.2(g) and 5.3.3(c)(5), must not include any fee (or part of a fee) for work that is specified in an *EII revenue determination* as work for which the *Network Service Provider* is entitled to payment.

9A.8 Consequential modifications relating to access schemes

9A.8.1 Purpose of rule 9A.8

The purpose of this rule is to provide for consequential modifications related to the application of an *access scheme* under the *EII Act*.

9A.8.2 Standing data

Clause 3.13.3 is modified by inserting the following after paragraph (b1):

- (b2) A *Market Participant* holding an *access right* under an *access scheme* for a *generating system* or *integrated resource system* must not, when notifying *AEMO* of the maximum generation of a *production unit*:
 - (1) for a *generating system* or *integrated resource system* comprised of 1 *production unit* – specify an amount that is higher than the *maximum capacity* for the system during any *capacity period* as specified for the system in the *access rights register* for the *access scheme*; or
 - (2) for a *generating system* or *integrated resource system* comprised of 2 or more *production units* – specify an amount that, when aggregated with the amounts notified for all the *production units* comprising the *generating system* or *integrated resource system*, is higher than the *maximum capacity* for the system during any *capacity period* as specified for the system in the *access rights register* for the *access scheme*.

Note

This paragraph is classified as a tier 2 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

- (b3) Subparagraph (b2)(2) does not apply to a *generating system* or *integrated resource system* comprised of 2 or more *production units* if:

- (1) the *production units* are aggregated for *central dispatch* under clause 3.8.3; or
- (2) the *generating system* or *integrated resource system*:
 - (i) comprises *plant* that consumes electricity other than *auxiliary load*; and
 - (ii) is specified as not being subject to subparagraph (b2)(2) by the *infrastructure planner* for the *access scheme*:
 - (A) in the *access rights register* for the *access scheme*; or
 - (B) in a written notice given to the *Market Participant*.

9A.8.3 Power to issue directions and clause 4.8.9 instructions

Clause 4.8.9 is modified by inserting the following after paragraph (j):

- (k1) *AEMO* is not prevented from issuing a direction or *clause 4.8.9 instruction* merely because the *maximum capacity* of a *Registered Participant's generating system* or *integrated resource system* as specified in an *access rights register* for an *access scheme* is less than the amount required to be generated under the direction or instruction.

9A.8.4 Involuntary disconnection

Clause 5.9.3 is modified by inserting the following after paragraph (a):

- (a1) An *infrastructure planner* for an *access scheme* may direct a *Network Service Provider* to *disconnect a facility* from an *access rights network* under the *access scheme* if:
 - (1) the *access right* for the *facility* is suspended or terminated; or
 - (2) the suspension or termination of the *access right* is specified in the *access rights register* for the *access scheme*.
- (a2) An *infrastructure planner* must, before giving a direction under paragraph (a1), consult with the following on how the *disconnection*, including the timing of the *disconnection*, will affect *power system security*:
 - (1) *AEMO*; and
 - (2) the *Network Service Provider*; and
 - (3) other *Network Service Providers* that may be affected by the *disconnection*.
- (a3) The *Network Service Provider* must comply with the direction promptly.

Note

This paragraph is classified as a tier 1 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

Part C Transmission network planning and extension

9A.9 The role of Transmission Network Service Provider in planning for IP planned REZ Networks

9A.9.1 Purpose of rule 9A.9

The purpose of this rule is to set out the scope of the functions to be carried out by a *Transmission Network Service Provider* for the planning and extension of an *IP planned REZ network* (including under Part D of Chapter 5).

9A.9.2 Application of rule 9A.9

This rule 9A.9 applies to a *Transmission Network Service Provider* for an *IP planned REZ network*.

9A.9.3 Planning and development activities

Clause 5.2.3(d)(4) applies subject to the operation of this rule.

9A.9.4 Forecasts of connection to transmission network and identification of system limitations

(a) A *Transmission Network Service Provider* must:

(1) consult with the *infrastructure planner* for its *IP planned REZ network* and, if requested by the *infrastructure planner*, the *jurisdictional planning body* for New South Wales about:

- (i) the annual date by which information must be provided to the *Transmission Network Service Provider* by each *Registered Participant connected*, or to be *connected*, to its *IP planned REZ network* under clause 5.11.1(a) so that the *Transmission Network Service Provider* can give adequate notice to each *Registered Participant* under clause 5.11.1(a); and
- (ii) the scope of information that the *Transmission Network Service Provider* must request from each *Registered Participant connected*, or to be *connected*, to its *IP planned REZ network* under clause 5.11.1(b); and

(2) provide all information received or generated in accordance with clause 5.11.1 in respect of its *IP planned REZ network* to:

- (i) the *infrastructure planner* for the *IP planned REZ network*; and
- (ii) if requested by the *infrastructure planner*, the *jurisdictional planning body* for New South Wales.

(b) A *Transmission Network Service Provider* may also include in a request under clause 5.11.1(a) any other information as may be reasonably required by the *infrastructure planner* for its *IP planned REZ network*.

(c) A *Transmission Network Service Provider* must:

- (1) give a notification to the *infrastructure planner* for its *IP planned REZ network* at the same time as a notification is given to a *Registered Participant* or *AEMO* under clause 5.11.2(b); and
- (2) consult with the *infrastructure planner* before undertaking any proposed corrective action in respect of its *IP planned REZ network* that must be notified under clause 5.11.2(c).

9A.9.5 Transmission annual planning review

- (a) Clause 5.12.1(a) does not apply to a *Transmission Network Service Provider* in respect of its *IP planned REZ network*.
- (b) An annual planning review under clause 5.12.1(b) that is conducted by a *Transmission Network Service Provider* in respect of an *IP planned REZ network* is only required to:
 - (1) consider the condition of *network* assets; and
 - (2) consider the potential for the replacement of *network* assets, or *non-network options* to replacements of *network* assets that are likely to be in the long term financial interests of New South Wales electricity customers; and
 - (3) consider the operation of, and any known or potential interactions between:
 - (i) any *emergency frequency control schemes*, or emergency controls in place under clause 5.1.8 on its *network*; and
 - (ii) *protection systems* or *control systems* of *plant connected* to its *network* (including consideration of whether the settings of those systems are fit for purpose for the future operation of its *network*),
if the *Transmission Network Service Provider* expects that such operation or interactions would be likely to lead to *cascading outages* or *major supply disruptions*.
- (c) The minimum planning period of an annual planning review set out in clause 5.12.1(c) applies in respect of an annual planning review conducted in accordance with paragraph (b).
- (d) A *Transmission Network Service Provider* must conduct its first annual planning review in respect of an *IP planned REZ network* within a reasonable time to allow it to comply with clause 9A.9.6(c).

9A.9.6 Transmission asset management report

- (a) Clause 5.12.2 is modified in the way, and to the extent, set out in this clause for a *Transmission Network Service Provider* in respect of its *IP planned REZ network*.
- (b) The *Transmission Network Service Provider*:
 - (1) must, subject to paragraph (c), by 30 April of each year, publish a report (a *Transmission Asset Management Report*) setting out the results of the annual planning review conducted in accordance with clause 5.12.1 and rule 9A.9.5; and

- (2) is not required to publish a *Transmission Annual Planning Report*.
- (c) The first *Transmission Asset Management Report* prepared by a *Transmission Network Service Provider* must be published on the first 30 April that falls more than 12 months after the date on which the first *network element* of its *IP planned REZ network* is commissioned.
- (d) A *Transmission Asset Management Report* must:
- (1) be consistent with the *TAPR Guidelines* to the extent applicable; and
 - (2) be prepared in accordance with clause 5.12.2(c) (as modified) as if the *Transmission Asset Management Report* were a *Transmission Annual Planning Report*.
- (e) Only the following subparagraphs of clause 5.12.2.(c) apply in relation to a *Transmission Asset Management Report*:
- (1) subparagraph (1A); and
 - (2) subparagraph (1B); and
 - (3) subparagraph (6B); and
 - (4) subparagraph (7)(i) and (iii); and
 - (5) subparagraph (9) in respect of the emergency controls in place under clause S5.1.8 only; and
 - (6) subparagraph (9A); and
 - (7) subparagraph (10); and
 - (8) subparagraph (11); and
 - (9) subparagraph (13).
- (f) A *Transmission Network Service Provider* must provide the information referred in the following subparagraphs of clause 5.12.2(c) to the *infrastructure planner* for the *IP planned REZ network* at the same time as it is required to publish a *Transmission Asset Management Report* each year in accordance with paragraphs (b) and (c):
- (1) subparagraph (3)(i)(ii) and (iv); and
 - (2) subparagraph (4); and
 - (3) subparagraph (7)(ii), as though the reference to the *Transmission Annual Planning Report* were references to the *Transmission Asset Management Report*; and
 - (4) subparagraph (9) in respect of the *Network Service Provider's* assessment of the need for new or altered emergency controls under clause S5.1.8.
- (g) The reference to the TAPR date in clause 5.18A is to be taken to be a reference to the date by which a *Transmission Network Service Provider* for an *IP planned network* must publish the *Transmission Asset Management Report* under this clause.

9A.9.7 Disapplication of joint planning obligations

- (a) Clauses 5.14.1, 5.14.3 and 5.14.4(a), (b) and (d) do not apply to a *Transmission Network Service Provider* in respect of its *IP planned REZ network*.
- (b) A *Transmission Network Service Provider* for whom clauses 5.14.1, 5.14.3 and 5.14.4(a), (b) and (d) are disappplied under paragraph (a) must, in respect of its *IP planned REZ network*:
- (1) provide all assistance and cooperation reasonably required by the *infrastructure planner* to enable the *infrastructure planner* to undertake joint planning activities in respect of the *IP planned REZ network* under the *EII Regulation*, clause 5 of Schedule 1B; and
 - (2) if requested by the *infrastructure planner*, provide information regarding its *IP planned REZ network* that is relevant to joint planning:
 - (i) to the *infrastructure planner*; or
 - (ii) to *AEMO* or a *Distribution Network Service Provider* or *Transmission Network Service Provider* who is required to undertake joint planning under rule 9A.10,and the *Transmission Network Service Provider* may also provide this information if it considers that it would assist the *infrastructure planner* in the exercise of its functions.

Note

This paragraph is classified as a tier 1 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

9A.9.8 Funded augmentations subject to infrastructure planner consent

A *Transmission Network Service Provider* must not construct a *funded augmentation* unless the *infrastructure planner* consents to the *Transmission Network Service Provider* constructing the *funded augmentation*.

Note

This clause is classified as a tier 1 civil penalty provision under clause 9A.1.5(a) and Schedule 9A.1.

9A.9.9 SENE Design and Costing study

Rule 5.19 does not apply to a *Transmission Network Service Provider* in respect of a Scale Efficient Network Extension (as defined in clause 5.19.1) for *connection* to an *IP planned REZ network*.

9A.9.10 Integrated System Plan preparatory activities

Clause 5.22.6(d) does not apply to a *Transmission Network Service Provider* unless the *Transmission Network Service Provider* is also the *jurisdictional planning body* for New South Wales.

9A.10 Role of the infrastructure planner in joint planning

9A.10.1 Purpose of rule 9A.10

The purpose of this rule is to require *Distribution Network Service Providers*, *Transmission Network Service Providers* and *AEMO* to undertake joint planning activities with the *infrastructure planner* for an *IP planned REZ network*.

Note

The *infrastructure planner* for a *IP planned REZ network* is obliged to undertake joint planning with *Distribution Network Service Providers*, *Transmission Network Service Providers* and *AEMO* under the *EII Regulation*, clause 5 of Schedule 1B.

9A.10.2 Distribution Network Service Provider and infrastructure planner joint planning

- (a) Clause 5.14.1 is modified to require a *Distribution Network Service Provider* to conduct joint planning with the *infrastructure planner* for an *IP planned REZ network* to which the *Distribution Network Service Provider's networks* are connected as if the *infrastructure planner* were the *Transmission Network Service Provider* for the *IP planned REZ network*.
- (b) If requested by the *infrastructure planner* for the *IP planned REZ network*, the *Distribution Network Service Provider* must also involve the *jurisdictional planning body* for New South Wales in joint planning activities carried out in accordance with paragraph (a).

9A.10.3 Transmission Network Service Provider and infrastructure planner joint planning

The obligations of *Transmission Network Service Providers* to undertake joint planning (other than in respect of their *IP planned REZ networks*) under clause 5.14.3 are modified to require *Transmission Network Service Providers*:

- (a) to undertake joint planning with the *infrastructure planner* for each *IP planned REZ network* operated, or to be operated, by another *Transmission Network Service Provider* as if the *infrastructure planner* were the *Transmission Network Service Provider* for the *IP planned REZ network*; and
- (b) in undertaking joint planning under paragraph (a), to undertake the following additional activities:
 - (1) to assess the adequacy of existing *transmission networks* and the assets associated with transmission-transmission *connection points* over the next 5 years and to undertake joint planning of projects in respect of the *networks*; and
 - (2) to use best endeavours to work with the *infrastructure planner* to ensure efficient planning outcomes and to identify the most efficient options to address the needs identified under this clause; and
 - (3) to identify any limitations or constraints:
 - (i) that will affect the *transmission networks*; or

- (ii) that can only be addressed by corrective action requiring coordination by the *Transmission Network Service Provider* and the *infrastructure planner*; and
- (4) to assess known and potential interactions between:
 - (i) any *emergency frequency control schemes* or emergency controls in place under clause 5.1.8, on their *networks*; and
 - (ii) *protection systems* or *control systems* of *plant connected* to their *networks*,
as identified under clause 5.12.1(b)(7), with a view to addressing any adverse impacts through joint planning; and
- (5) if the need for a *joint planning project* is identified under this clause:
 - (i) to determine plans that can be considered by relevant *Registered Participants*, *AEMO* and *interested parties*; and
 - (ii) to determine whether the *joint planning project* is a *RIT-T project* or will be the subject of an *IP recommendation*; and
 - (iii) to agree, if applicable, on a lead party to be responsible for carrying out the *regulatory investment test for transmission*.

Note

A *Transmission Network Service Provider* is not required to conduct joint planning in respect of its *IP planned REZ networks* by clause 9A.9.7(a).

9A.10.4 AEMO and infrastructure planner joint planning

- (a) The obligations of *AEMO* to conduct joint planning under clause 5.14.4(a) are modified, in respect of each *IP planned REZ network*, to require *AEMO* to conduct joint planning with the *infrastructure planner* for the *IP planned REZ network* as though the *infrastructure planner* were the *Transmission Network Service Provider* for the *IP planned REZ network*.
- (b) Clause 5.14.4(c) is modified to require that *AEMO* must, as soon as practicable after the end of each summer period and in any event by no later than 30 June each year, also provide a draft regional demand forecast for the next summer period to the *infrastructure planner* for each *IP planned REZ network*.
- (c) The obligations of *AEMO* to conduct joint planning under clause 5.14.4(d) are modified, in respect of each *IP planned REZ network*, to require *AEMO* to provide to the *infrastructure planner* any information in relation to the preparation of any *REZ design report*.
- (d) *AEMO* may request from the *infrastructure planner* for an *IP planned REZ network* any information *AEMO* reasonably considers is required for the purpose of preparing a draft or final *Integrated System Plan* or an *ISP update*.

Note

The *infrastructure planner* is required to provide that information to *AEMO* under *EII Regulation*, clause 5(2) of Schedule 1B.

9A.11 Application of regulatory investment tests

9A.11.1 Purpose of rule 9A.11

The purpose of this rule is to modify the application of the *regulatory investment test for transmission* for *network* investments that are to be cost recovered under an *EII revenue determination*.

9A.11.2 Application of RIT-T to augmentations to IP planned REZ network

(a) Subject to paragraph (b):

- (1) clauses 5.16.3(a), 5.16.4(a), 5.16A.3(a) and 5.16A.4(a) do not apply to a *Transmission Network Service Provider*; and
- (2) a *Transmission Network Service Provider* must not apply the *regulatory investment test for transmission*,
in respect of a *RIT-T project* that will:
 - (3) form part of, or be *connected* to, its *IP planned REZ network*; and
 - (4) be located within the *EII REZ*.

Note

Clauses 5.16.3(a), 5.16.4(a), 5.16A.3(a) and 5.16A.4(a) require a *Transmission Network Service Provider* to apply the *regulatory investment test for transmission* to certain *RIT-T projects* and *actionable ISP projects*.

- (b) Paragraph (a) does not apply if the *infrastructure planner* consents to the *Transmission Network Service Provider* applying the *regulatory investment test for transmission* to the *RIT-T project*, in lieu of applying for a revenue determination for a *REZ network infrastructure project*.
- (c) Clauses 5.16A.3(d) and 5.16A.4(d) do not apply to a *Network Service Provider* affected by a *RIT-T project* to which the *regulatory investment test for transmission* does not apply under this clause.

9A.12 Infrastructure planner consultation

9A.12.1 Purpose of rule 9A.12

The purpose of this rule is to require *AEMO* to consult with the *infrastructure planner* for an *IP planned REZ network* when undertaking frequency and other *power system* risk management planning under rule 5.20A.

9A.12.2 AEMO to consult with the infrastructure planner

The *infrastructure planner* for an *IP planned REZ network* is taken to be a relevant *Transmission Network Service Provider* with whom *AEMO* must consult under clause 5.20A.2(b)(1) and 5.20A.2(c)(1).

Part D Economic regulation

9A.13 Application of Chapter 6A

9A.13.1 Purpose of rule 9A.13

The purpose of this rule is to modify the application of Chapter 6A to *Transmission Network Service Providers* who provide *EII regulated transmission services*.

9A.13.2 Transmission determinations

The *AER* may not make a *transmission determination* for an *EII Transmission Network Service Provider* unless:

- (a) the *transmission determination* relates to a *cost recovery declaration* that has been made in respect of the *EII Transmission Network Service Provider*; or
- (b) the *infrastructure planner* for its *EII network* gives written consent.

9A.13.3 Application of intending TNSP provisions

- (a) The definition of **Intending TNSP** in clause 6A.9.1(b) is modified so as to include an *EII Transmission Network Service Provider* who intends to provide *prescribed transmission services* by means of an *augmentation* to its *transmission system* under a *transmission determination*.
- (b) An *EII Transmission Network Service Provider* may not request that the *AER* commence the process for making a *transmission declaration* under clause 6A.9.2 unless:
 - (1) the request is related to a *cost recovery declaration* that has been made in respect of the *EII Transmission Network Service Provider*; or
 - (2) the *infrastructure planner* for the *EII renewable energy zone* or part of the *EII renewable energy zone* of which the *EII network* forms part gives written consent.

9A.13.4 Disapplication of information disclosure

Rule 6A.17 does not apply to the provision of *EII regulated transmission services* by an *EII Transmission Network Service Provider*.

9A.13.5 Classification of EII regulated transmission services for Chapter 6A

- (a) Subject to paragraph (b), *EII regulated transmission services* are to be treated as *non-regulated transmission services* for the purposes of Chapter 6A.
- (b) An *EII regulated transmission service* will be treated as a *prescribed transmission service* for the purposes of the following rules:
 - (1) rule 6A.19 (Cost allocation); and
 - (2) rule 6A.21 (Transmission ring-fencing guidelines).

9A.13.6 Application of cost allocation provisions

- (a) The *AER*:

- (1) may amend the *Cost Allocation Guidelines* to address the preparation of a *Cost Allocation Methodology* by a *Transmission Network Service Provider* who provides *EII regulated transmission services*; and
- (2) must, before amending the *Cost Allocation Guidelines*:
 - (i) publish the proposed amendment on the *AER's* website for no less than 20 *business days*; and
 - (ii) consider any written submissions received by the *AER* during that period.
- (b) The *AER* may make administrative or minor amendments to the *Cost Allocation Guidelines* without complying with paragraph (a).
- (c) Rule 6A.20 does not apply to an amendment under this clause.
- (d) This clause is not limited by clause 9A.1.4.

9A.13.7 Application of transmission ring-fencing provisions

- (a) The *AER*:
 - (1) may amend the *Transmission Ring-Fencing Guidelines* to address the application of those guidelines to a *Transmission Network Service Provider* who provides *EII regulated transmission services*; and
 - (2) must, before amending the *Transmission Ring-Fencing Guidelines*:
 - (i) publish the proposed amendment on the *AER's* website for no less than 20 *business days*; and
 - (ii) consider any written submissions received by the *AER* during that period.
- (b) The *AER* may make administrative or minor amendments to the *Transmission Ring-Fencing Guidelines* without complying with paragraph (a).
- (c) Rule 6A.20 does not apply to an amendment under this clause.
- (d) This clause is not limited by clause 9A.1.4.

9A.13.8 Disapplication of certain billing process provisions

Clauses 6A.27.1 and 6A.27.2 do not apply to any billing by a *Transmission Network Service Provider* in respect of *EII regulated transmission services*.

9A.14 Infrastructure project cost recovery

9A.14.1 Purpose of rule 9A.14

The purpose of this rule is to set out modifications related to the making of a *cost recovery declaration* under the *EII Act*.

9A.14.2 Classification of distribution services

Clause 6.2.1 is modified by inserting the following after paragraph (e):

- (f) A *distribution service* specified in a *cost recovery declaration* must be classified as a *direct control service*.

9A.14.3 Classification of direct control services as standard control services or alternative control services

Clause 6.2.2 is modified by inserting the following after paragraph (e):

- (f) A *direct control service* specified in a *cost recovery declaration* must be classified as a *standard control service*.

9A.14.4 Building block approach

Clause 6.4.3(a) is modified by inserting the following after subparagraph (5):

- (5A) the revenue increments or decrements (if any) for that year arising from the application of adjustments made in accordance with the *EII Regulation*, clause 51 under an *EII revenue determination*;

9A.14.5 Establishment of opening regulatory asset base for a regulatory control period

Clause S6.2.1 is modified by inserting the following after paragraph (e):

- (e1) For a *distribution system* of a *Distribution Network Service Provider* for which all or part is *network infrastructure* subject to a *cost recovery declaration*, the value of the regulatory asset base must be adjusted in accordance with *Establishment of opening regulatory asset base for a regulatory control period*, published in the Gazette on 2 December 2022.

9A.14.6 Building blocks approach

Clause 6A.5.4(a) is modified by inserting the following after subparagraph (5A):

- (5B) the revenue increments or decrements (if any) for that year arising from the application of adjustments made in accordance with the *EII Regulation*, clause 51 under an *EII revenue determination*;

9A.14.7 Establishment of opening regulatory asset base for a regulatory control period

Clause S6A.2.1 is modified by inserting the following after paragraph (f):

- (f1) For a *transmission system* of a *Transmission Network Service Provider* of which all or part is *network infrastructure* subject to a *cost recovery declaration*, the value of the regulatory asset base must be adjusted in accordance with *Establishment of opening regulatory asset base for a regulatory control period*, published in the Gazette on 2 December 2022.

9A.14.8 Removal of assets from regulatory asset base

Clause S6A.2.3 is modified by inserting the following after paragraph (a):

- (a1) Despite paragraph (a), the *AER* may not determine to remove, from the regulatory asset base for a *transmission system*, the value of an asset or group of assets if the assets comprise *network infrastructure* subject to a *cost recovery declaration*.

Part E Transmission pricing

9A.15 Intra-regional settlements residue for designated network assets

- (a) Clause 3.6.2B(f) does not apply to a *Transmission Network Service Provider* in respect of its *IP planned REZ network*.
- (b) The *Co-ordinating Network Service Provider* must calculate the *settlements residue* that accrue on a *designated network asset* in each *IP planned REZ network*.
- (c) The *Co-ordinating Network Service Provider* must distribute or recover any *settlements residue* that accrue on a *designated network asset* in each *IP planned REZ network* from the *Transmission Network Service Provider* of the *IP planned REZ network*.
- (d) The *Co-ordinating Network Service Provider* must notify the *Transmission Network Service Provider* of the *IP planned REZ network* of any *settlements residue* that accrue on each *designated network asset* in each *IP planned REZ network*.
- (e) The *Transmission Network Service Provider* of the *IP planned REZ network* must distribute or recover any *settlements residue* that accrue on a *designated network asset* in its *IP planned REZ network* from each owner of each *designated network asset* in accordance with the methodology developed by the *Primary Transmission Network Service Provider* (as set out in the relevant *network operating agreement* for that *designated network asset*).

Part F Administrative and other matters

9A.16 Administrative and other matters

9A.16.1 Appointment of Co-ordinating Network Service Provider

TransGrid is taken to have been appointed as the *Co-ordinating Network Service Provider* under clause 6A.29.1(a) by any *Transmission Network Service Provider* that owns, controls or operates an *EII network*.

9A.16.2 Metering Coordinator

- (a) In the case of a *connection* or a *connection point* between an *access rights network* and an adjacent *transmission network* that does not form part of an *access rights network*:
 - (1) the *Transmission Network Service Provider* responsible for appointing the *Metering Coordinator* at that *connection* or *connection point* will be determined by agreement between the two *Transmission Network Service Providers* that are related to that *connection* or *connection point*; and
 - (2) the *Transmission Network Service Provider* of the *access rights network* or the *Transmission Network Service Provider* of the *transmission network* that does not form part of the *access rights network* may be appointed as the *Metering Coordinator*.

- (b) If the *Transmission Network Service Provider* of the *access rights network* is appointed as the *Metering Coordinator* under this clause, then the fulfillment of the obligations of a *Metering Coordinator* under the *Rules* by the *Transmission Service Provider*:
- (1) is deemed not to be a *prescribed transmission service*; and
 - (2) is deemed to be a regulatory requirement that the *Transmission Network Service Provider* must satisfy.

Note

See the definition of *regulatory requirement* in *EII Regulation*, clause 46(3).

9A.16.3 Independent Engineer – application

- (a) Clause 5.4.1(b) is modified by inserting the following after subparagraph (1):
- (1a) a technical issue in relation to the *connection* of a *generating system* or *integrated resource system* to an *access right network* or an *access control network*;
- (b) A *Transmission Network Service Provider*, owner of a *designated network asset* or a *Connection Applicant* must notify the *infrastructure planner* when a notice is issued under clause 5.4.3(a) in respect of a technical matter under clause 5.4.1(b)(1a) and provide the *infrastructure planner* with a copy of the notice.

9A.16.4 Commercial arbitration for prescribed and negotiated transmission services and DNA services – application

Clause 5.5.1 is modified by inserting the following after paragraph (a):

- (aa) This rule 5.5 does not apply to an *access right network* or an *access control network*.
- (ab) Without limiting paragraph (aa), this rule 5.5 also does not apply to a dispute:
- (1) that arises between a *Transmission Network Service Provider* and a *Connection Applicant* under or in respect of an *access scheme*;
 - (2) arising under or about the application of:
 - (i) clause 9A.5.2(a);
 - (ii) clause 5.3.4(a1) and (a2);
 - (iii) clause 5.3.6(a4) and (a5);
 - (iv) clause 5.3.9(b1).

9A.16.5 Disputes – application and guiding principles

- (a) Clause 8.2.1(a) is modified by inserting the following after subparagraph (4):
- (4a) the *connection* of a *generating system* or *integrated resource system* to an *access right network* or an *access control network*;
- (b) A *Registered Participant* must notify the *infrastructure planner* when a *DMS referral notice* or an *Adviser referral notice* is issued or served in respect of a

dispute under clause 8.2.1(a)(4a) and provide the *infrastructure planner* with a copy of the notice.

9A.16.6 Exclusions from rule 8.2 dispute resolution

Clause 8.2.1(h) is modified by inserting the following after subparagraph (18):

; or

(19) a dispute of the kind referred to in clause 5.5.1(ab); or

(20) a decision of a *Network Service Provider* to allocate a *Connection Applicant* to, or to remove a *Connection Applicant* from, a *concurrent processing group* under clause 9A.6.6 or 9A.6.7; or

(21) a decision of an *infrastructure planner* made under a provision of Chapter 9A, or under a provision of these rules as modified by Chapter 9A.

9A.16.7 Exception to confidentiality obligations

Rule 8.6 does not prevent the disclosure of information to an *infrastructure planner* pursuant to the *Rules* or otherwise where the disclosure is required by law or the information is reasonably required by the *infrastructure planner* to perform its functions or to fulfil its obligations under law.

Schedule 9A.1

The provisions of Chapter 9A that are prescribed as civil penalty provisions, and the civil penalty for each provision, are:

Provision	Civil penalty
cl 9A.3.6(a)	tier 2
cl 9A.3.6(c)	tier 2
cl 9A.4.3(c)	tier 2
cl 9A.4.4(b)	tier 2
cl 9A.4.4(c)	tier 2
cl 9A.5.3(a)	tier 3
cl 9A.5.3(h)	tier 3
cl 5.3.9(b1), as inserted by cl 9A.5.8	tier 3
cl 9A.6.5(a), but not so as to apply to AEMO	tier 2
cl 9A.6.5(d), but not so as to apply to AEMO	tier 2
cl 9A.6.6(c)	tier 3
cl 9A.6.6(d)	tier 3
cl 9A.6.7(c)(1)	tier 2
cl 9A.6.9(b)	tier 3
cl 9A.6.10(c)	tier 1
cl 3.13.3(b2), as inserted by cl 9A.8.2	tier 2
cl 5.9.3(a3), as inserted by cl 9A.8.4	tier 1
cl 9A.9.7(b)	tier 1
cl 9A.9.8	tier 1

RENEWABLE ENERGY ZONE (HUNTER-CENTRAL COAST) ORDER 2024

Under the

Electricity Infrastructure Investment Act 2020 (Act)

I, Penny Sharpe MLC, Minister for Energy, make the following Order under section 22(1) of the Act.

Dated this 2 day of DECEMBER 2024



The Hon Penny Sharpe MLC

Minister for Energy

RENEWABLE ENERGY ZONE (HUNTER-CENTRAL COAST) ORDER 2024

1. Name of Order

This Order is the *Renewable Energy Zone (Hunter-Central Coast) Order 2024*.

2. Commencement Date

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

3. Definitions

Unless otherwise defined in this Order, words and phrases defined in the Act have the same meaning in this Order or the HCC REZ declaration.

HCC REZ declaration means the Renewable Energy Zone (Hunter-Central Coast) Order published in the Gazette on 9 December 2022.

4. Amendment of the HCC REZ declaration

The HCC REZ declaration is hereby amended under this Order pursuant to section 22(1) of the Act.

Schedule 2 of the HCC REZ declaration is amended as shown in the Schedule to this Order pursuant to section 22(1)(b) of the Act.

Schedule – Amendment to the HCC REZ declaration

**RENEWABLE ENERGY ZONE (HUNTER-CENTRAL COAST) ORDER
2022**

1. Name of Order

This Order is the *Renewable Energy Zone (Hunter-Central Coast) Order 2022*.

2. Commencement Date

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

3. Definitions

Unless otherwise defined in this Order, words and phrases defined in the Act have the same meaning in this Order.

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

specified geographical area means the land identified as the 'Hunter-Central Coast Renewable Energy Zone Geographical Area' in Schedule 1 of this Order.

4. Declaration of the Hunter-Central Coast renewable energy zone

The Hunter-Central Coast renewable energy zone is hereby declared and comprises:

- (a) the specified geographical area; and
- (b) the network infrastructure specified in Schedule 2 of this Order.

5. Intended network capacity for the network infrastructure in the renewable energy zone

The intended network capacity for network infrastructure in the Hunter-Central Coast renewable energy zone is one gigawatt.

6. Hunter-Central Coast renewable energy zone infrastructure planner

The Minister has appointed the Energy Corporation of New South Wales as infrastructure planner for the Hunter-Central Coast renewable energy zone.

Schedule 1

1. Specified geographical area

The specified geographical area is the land identified as 'Hunter-Central Coast Renewable Energy Zone Geographical Area' in Figure 1.

Figure 1: Map identifying the 'Hunter-Central Coast Renewable Energy Zone Geographical Area'



Schedule 2

Specified network infrastructure

1. All present and future network infrastructure in the specified geographical area is specified network infrastructure.
2. Despite anything in this Schedule 2, the "Sydney Ring North (Hunter Transmission Project)" transmission network infrastructure project (as described in the most recent integrated system plan published by AEMO under the National Electricity Rules in June 2024) is not specified network infrastructure for the purposes of this Order.
3. Network infrastructure outside the specified geographical area and connecting Somersby Zone Station and Berowra Zone Station.

