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Renewable Energy Zone (Central-West Orana) Access Scheme (Amendment) Order 2024

Under the

Electricity Infrastructure Investment Act 2020

I, Penny Sharpe, MLC, Minister for Energy, make the following order under section 28(1)(c) of the *Electricity Infrastructure Investment Act 2020*.

Dated 3 APRIL 2024



The Hon. Penny Sharpe MLC
Minister for Energy

Explanatory note

This order amends the *Renewable Energy Zone (Central-West Orana) Access Scheme Declaration 2022*.

Renewable Energy Zone (Central-West Orana) Access Scheme (Amendment) Order 2024

under the

Electricity Infrastructure Investment Act 2020

1 Name of Order

This order is the *Renewable Energy Zone (Central-West Orana) Access Scheme (Amendment) Order 2024*.

2 Commencement

This order commences on the day on which it is published in the Gazette.

Schedule 1 Amendment of Renewable Energy Zone (Central-West Orana) Access Scheme Order 2022

- [1] **Part 3, subclause 7(1)(a)**
Omit “if” from subclause 7(1)(a).
- [2] **Part 3, subclause 7(1)(a)(i)**
Insert “if” before “the *Consumer Trustee* has recommended the grant or increase;” in subclause 7(1)(a)(i)
- [3] **Part 3, subclauses 7(1)(a)(ii) and 7(1)(a)(iii)**
Re-number subclause 7(1)(a)(ii) as 7(1)(a)(iii).
Insert a new subclause 7(1)(a)(ii) –
 (ii) after the *Infrastructure Planner* has conducted an *application process* for the grant or increase; or
- [4] **Part 3, subclause 7(7)**
Omit “subclause 7(1)(a)(i)” Insert instead “subclauses 7(1)(a)(i) and 7(1)(a)(ii)”
- [5] **Part 3, subclause 18(4)**
Omit subclause 18(4). Insert instead –
 (4) Subject to subclause 18(5), the *Infrastructure Planner* may amend the eligibility criteria under Schedule 2 by publishing amended eligibility criteria on its website.
- [6] **Part 3, subclause 18(5)**
Insert after subclause 18(4) –
 (5) The *Infrastructure Planner* must consult with the *Consumer Trustee* on any amendment to the eligibility criteria before any competitive tender for the grant of access rights or an increase in maximum capacity is conducted. The *Infrastructure Planner* is not required to consult with the *Consumer Trustee* where the *Infrastructure Planner* amends the eligibility criteria under Schedule 2 in accordance with subclause 18(4) for the purpose of conducting an *application process*.

[7] Dictionary

Insert in alphabetical order –

application process means the process for inviting, accepting and assessing applications for the grant or increase of an *access right* without a competitive tender, conducted by the *Infrastructure Planner* in accordance with the *regulations*.

Appendix – consolidated Renewable Energy Zone (Central-West Orana) Access Scheme Order

Note: this appendix illustrates the amendments to the Renewable Energy Zone (Central-West Orana) Access Scheme Order 2022 made by the Renewable Energy Zone (Central-West Orana) Access Scheme (Amendment) Order 2024. The amendments appear in mark-up.

Part 1 Introduction

1. Name of order

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

2. Commencement Date

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

3. Definitions

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

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

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

Part 2 Description of Access Scheme

5. Access scheme

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

6. Access rights

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

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

provided that subclauses 6(1) and 6(2) do not in any way limit the *central dispatch process* in accordance with the *Rules* or Australian Energy Market Operator Limited's ability to dispatch an *approved project* above its *maximum capacity* during a *capacity period* for any reason including, but not limited to, a lack of reserve declaration under the *Rules*.

Part 3 Grant of Access rights and increases to maximum capacity

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

Limits on grant of access rights

- (1) Subject to the remainder of this clause 7, the *Infrastructure Planner* may grant an *access right* to an *eligible operator*, or approve an increase in the *maximum capacity* of an *approved project* in any *capacity period*:
 - (a) in the *initial allocation* ~~if~~:
 - (i) ~~if~~ the *Consumer Trustee* has recommended the grant or increase; or
 - (ii) ~~after the Infrastructure Planner has conducted an application process for the grant or increase; or~~
 - (iii) in accordance with subclause 12(3); and
 - (b) once the *initial allocation* has been completed:
 - (i) where the *Infrastructure Planner* has made a final determination to approve the grant of additional *maximum capacity* as the result of a proposed *market-led augmentation* under clause 11; or
 - (ii) at the absolute discretion of the *Infrastructure Planner*, including in accordance with subclause 12(3).
- (2) An *access right* may only be granted:
 - (a) to an *eligible operator*;
 - (b) for an *eligible project* with specified *project characteristics*; and
 - (c) for a *maximum capacity* in each *capacity period*.
- (3) The *Infrastructure Planner* may only grant an *access right*, approve an increase in the *maximum capacity* of an *approved project* for a *capacity*

period or approve a material change in the *project characteristics* of an *approved project*, if it is satisfied that the grant or approval will not cause:

- (a) the aggregate *maximum capacity* of all *approved projects* during any *capacity period* (including for these purposes the proposed *maximum capacity* of the proposed *eligible project* or proposed increase in *maximum capacity* of the relevant *approved project*) to exceed the *aggregate maximum capacity cap* for that *capacity period*; or
- (b) the *forecast curtailment* on the *access rights network* (as calculated in accordance with Schedule 3) to exceed the *target transmission curtailment level*; or
- (c) the *network element forecast curtailment* on a *network element* to exceed the *target network element curtailment level*, if the *Infrastructure Planner* has notified a *target network element curtailment level* for a *network element* under subclause 9(2).

Completion of the initial allocation

- (4) The *Infrastructure Planner* may determine that the *initial allocation* has been completed by notifying the *Consumer Trustee* and *access right holders*, and publishing a notice on its website, if:
 - (a) the aggregate *maximum capacity* in any *capacity period* of *approved projects* granted *access rights* under the *initial allocation* exceeds 90% of the *initial aggregate maximum capacity cap* in that *capacity period*; or
 - (b) it does not reasonably expect that significant further *access rights* may be granted in the *initial allocation* in accordance with the terms of this Order, including due to the application of subclause 7(3).

Use of maximum capacity profiles

- (5) The *Infrastructure Planner* may grant an *access right* to an *eligible operator* for an *eligible project*, or increase the *maximum capacity* of an *approved project*, using different *maximum capacity* amounts for different *capacity periods* within a 24-hour day (a *maximum capacity profile*), provided that the *Infrastructure Planner* has:
 - (a) notified the *Consumer Trustee* and *access right holders*, and published a notice on its website, of:
 - (i) the proposed date from which the *Infrastructure Planner* may grant *access rights* or increase the *maximum capacity* of *approved projects* using a *maximum capacity profile*;
 - (ii) the proposed *capacity periods*;
 - (iii) the methodology for granting *access rights* or increasing *maximum capacity* for *approved projects* using *maximum capacity profiles*; and

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

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

Basis for determining expected capacity profiles

- (8) The *Infrastructure Planner* must determine an *expected capacity profile* for a relevant *project* based on information that the *Infrastructure Planner* considers will assist it in accurately forecasting the *project's* likely future

generation profile including, without limitation, representative information for the relevant plant type from the *Integrated System Plan*, market modelling, the *project's* own forecast generation profile, the *project characteristics* and, in the case of an *approved project*, any historical *available capacity* and *sent out generation*.

Registration evidence of grant

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

8. Capacity caps

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

9. Target transmission curtailment levels

- (1) The *target transmission curtailment level* for the *initial term* is 4.37%. The *Infrastructure Planner* may notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of a revised *target transmission curtailment level* to apply for any period of the *term* after the *initial term*.
- (2) The *Infrastructure Planner* may, in its absolute discretion, notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of the *transfer capacity* of a *network element* and a *target network element curtailment level* for that *network element* at any time during the *term*.
- (3) A *target network element curtailment level* notified under subclause 9(2) during the *initial term* will apply for the remainder of the *initial term*. The *Infrastructure Planner* may notify the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of a revised *target network element curtailment level* to apply for any period of the *term* after the *initial term*.

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

10. Headroom assessment

Conducting a headroom assessment

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

Notification and response to headroom assessment

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

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

11. Market-led augmentations

- (1) A *market-led augmentation* may:
 - (a) increase the *transfer capacity* of the *access rights network* and, following a *headroom* assessment, result in an increase to the *aggregate maximum capacity cap* for relevant *capacity periods*; or
 - (b) increase the *transfer capacity* of a *network element*, reducing the *forecast network element curtailment* on that *network element*. An increase in the *transfer capacity* of a *network element* will not result in an increase to the *aggregate maximum capacity cap* for relevant *capacity periods*.

- (2) If potential *maximum capacity* will be made available by an increase to the *aggregate maximum capacity cap* for a *capacity period*, or by increased *transfer capacity* on a *network element*, as the result of a *market-led augmentation*, then that potential *maximum capacity* must, to the extent that the proposed *market-led augmentation* will be funded by *eligible operators*, be granted to the *eligible operators* that have funded or committed to fund the proposed *market-led augmentation*. Nothing in this subclause prevents the *Infrastructure Planner* from granting additional *maximum capacity* to other *eligible operators* as the result of a subsequent *headroom* assessment that includes the proposed *market led augmentation*.
- (3) One or more *eligible operators* who will fund a proposed *market-led augmentation* (the **proponents**) may request the *Infrastructure Planner* to grant additional *maximum capacity* made available by the proposed *market-led augmentation*. A request must be made in writing to the *Infrastructure Planner*.
- (4) The *Infrastructure Planner* must assess any request made in accordance with subclause 11(3) to determine, in its absolute discretion, whether to grant additional *maximum capacity* and, if so:
 - (a) the increase in the *transfer capacity* of the *access rights network* or any *network element* resulting from the proposed *market-led augmentation*;
 - (b) the *headroom* in each *capacity period* calculated in accordance with Schedule 3 and increased *aggregate maximum capacity cap* for each relevant *capacity period* that will result from the proposed *market-led augmentation*;
 - (c) *forecast curtailment* on the *access rights network* before and after the proposed *market-led augmentation*;
 - (d) *network element forecast curtailment* on a *network element* for which a *network element curtailment level* has been notified under subclause 9(2) before and after the proposed *market-led augmentation* under subclause 9(3);
 - (e) any material assumptions made about the *aggregate expected capacity profiles* or the technology mix of *potential future projects* as identified in Schedule 3;
 - (f) any conditions relating to an *access right* that the *Infrastructure Planner* in its absolute discretion considers appropriate, which may include financial commitments from the *eligible operator*; and
 - (g) the *access right* to be granted to the *proponents*, or the increase in the *maximum capacity* of the relevant *approved projects* of the *proponents*, in each *capacity period*.

- (5) The *Infrastructure Planner* may, in its absolute discretion, reject any request made in accordance with subclause 11(3) for any reason.
- (6) If the *Infrastructure Planner* proposes to grant additional *maximum capacity* following a request made in accordance with subclause 11(3) it must make a draft determination of the matters set out under subclause 11(4) and notify the *proponents* of that draft determination.
- (7) Following notification under subclause 11(6) of a draft determination:
 - (a) the *Infrastructure Planner* must publish notice of the draft determination on its website and the relevant consultation period, which must not be less than 28 days;
 - (b) any person may make a written submission in response to the draft determination during the consultation period notified under subclause 11(7)(a); and
 - (c) the *Infrastructure Planner* must consider written submissions received under subclause 11(7)(b).
- (8) As soon as practicable following expiry of the consultation period under subclause 11(7)(a), the *Infrastructure Planner* must make a final determination and notify the *proponents*, the *Consumer Trustee* and *access right holders*, and publish a notice on its website, of that final determination.
- (9) If the *Infrastructure Planner's* final determination under subclause 11(8) is to make an allocation of *maximum capacity* available to a proponent, the notice under subclause 11(8) must include the *Infrastructure Planner's* final determination of the matters set out under subclause 11(4).
- (10) The *proponents* must pay the *Infrastructure Planner's* costs of making a determination under this clause 11.
- (11) This clause 11 relates only to the grant of *access rights*, or an increase in the *maximum capacity* of an *approved project* in a *capacity period*, as the consequence of a *market-led augmentation*. It does not relate to any regulatory approvals and commercial arrangements required to undertake a proposed *market-led augmentation*.
- (12) Nothing in this clause 11 requires the *Infrastructure Planner* to publish any confidential or commercially sensitive information.

12. Project modifications

Maximum Capacity

- (1) An *access right holder* may apply to the *Infrastructure Planner* for an increase in the *maximum capacity* of an *approved project* in a *capacity period*.

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

Project Characteristics

- (6) An *access right holder* may only make a material change to the *project characteristics* of an *approved project* if the change has been approved by the *Infrastructure Planner*.
- (7) The *Infrastructure Planner* may only approve a material change in the *project characteristics* of an *approved project* in accordance with subclause 7(3).
- (8) A proposed change to the *project characteristics* of an *approved project* will be material if it will have a material impact on the *approved project's expected capacity profile*.
- (9) The *Infrastructure Planner* will have the absolute discretion to determine whether the impact on an *approved project's expected capacity profile* is material.
- (10) The *Infrastructure Planner* must update the *access rights register* where relevant to record any approved change in the *project characteristics* of an *approved project* recorded in the *access rights register*.

Conditions on approvals

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

Part 4 Terms and Conditions

13. Duration of access rights

- (1) All *access rights* granted under this Order expire on the expiry of the *term*.
- (2) The *Infrastructure Planner* must notify *access right holders* of the date of the electrification of the first *network element* of the *access rights network*.
- (3) The *Infrastructure Planner* must consider whether to extend the term as soon as practicable following the date that is 5 years before the scheduled expiry of the *initial term* (or the scheduled expiry of any extension of the *term* notified under subclause 13(4), if relevant).
- (4) The *Infrastructure Planner* may extend the *term*, in its absolute discretion, by notifying the *Consumer Trustee* and *access right holders*, and publishing a notice on its website, of the extended *term*.

14. Access fees

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

15. Connection to the access rights network

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

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

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

Any application by:

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

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

17. Transfer, suspension and termination of access rights

- (1) An *access right*, or any *maximum capacity* under an *access right*, may only be transferred, suspended or terminated in accordance with the terms of the *access right holder's* relevant *access right agreement*.
- (2) An *access right* must be terminated if the *access right holder's* relevant *access right agreement* is terminated. Termination of an *access right agreement* does not affect any *maximum capacity* transferred in accordance with the terms of the *access right agreement* prior to the date of termination.
- (3) The *Infrastructure Planner* must update the *access rights register* to record any transfer, suspension or termination of *access rights*, or transfer of *maximum capacity* under an *access right*, under subclauses 17(1) or (2).
- (4) The *maximum capacity* under an *access right* terminated under subclause 17(2) may be granted to one or more other *eligible operators* by the *Infrastructure Planner* in accordance with clause 7.

18. Amendments

- (1) This Order may only be amended in accordance with section 28 of the Act.
- (2) For the purposes of section 28(1)(d) of the Act, this Order may be amended under subclauses 18(3) and 18(4).
- (3) The Minister may amend this Order by declaration in the Gazette after following the process specified below:
 - (a) The *Minister* may make a proposal to amend this Order after considering any advice from the *Infrastructure Planner*.
 - (b) The *Infrastructure Planner* must give notice to *access right holders* of the *declaration change proposal* and seek submissions from *access right holders* on the *declaration change proposal*.
 - (c) The notice under subclause 18(3)(b) must specify:
 - (i) the proposed amendments to this Order;
 - (ii) the reasons for the *declaration change proposal*, including any relevant supporting documents;
 - (iii) whether the *Infrastructure Planner* considers that the *declaration change proposal* will have a material adverse impact on *access right holders* and its reasons for this view; and
 - (iv) the time period, which must not be less than 28 days, within which *access right holders* may make submissions on the *declaration change proposal*.
 - (d) The *Infrastructure Planner* must consider any submissions from *access right holders* and provide advice to the *Minister* on whether to proceed with the *declaration change proposal* and any amendments

that should be made to the *declaration change proposal* as a result of submissions received under subclause 18(2)(b).

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

- periods), vote in favour of the final declaration change proposal; or
- (ii) more than 75% of access right holders voting, vote in favour of the final declaration change proposal.
 - (i) Voting on a final declaration change proposal must be conducted in accordance with voting procedures notified to access right holders by the Infrastructure Planner.
- (4) Subject to subclause 18(5), ~~the Infrastructure Planner~~ may amend the eligibility criteria under Schedule 2 by publishing amended eligibility criteria on its website. ~~The Infrastructure Planner must consult with the Consumer Trustee on any amendment to the eligibility criteria before any competitive tender for the grant of access rights or an increase in maximum capacity is conducted.~~
- (5) The Infrastructure Planner must consult with the Consumer Trustee on any amendment to the eligibility criteria before any competitive tender for the grant of access rights or an increase in maximum capacity is conducted. The Infrastructure Planner is not required to consult with the Consumer Trustee where the Infrastructure Planner amends the eligibility criteria under Schedule 2 in accordance with subclause 18(4) for the purpose of conducting an application process.

Part 5 The Scheme Financial Vehicle

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

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

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

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

- (1) the component of access fees received by the *Scheme Financial Vehicle* and identified as being for community and employment purposes;
- (2) any payments received by the *Scheme Financial Vehicle* under an *access right agreement* for remediation of any non-compliance by the relevant *access right holder* with its obligations under the *access right agreement* relating to a community or employment outcome; and
- (3) an amount equal to the GST liability, if any, of the *Infrastructure Planner* payable to the Commissioner of Taxation in respect of amounts referred to in subclauses 20(1) and (2).

Part 6 Administration

21. Infrastructure Planner to administer scheme

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

22. Access rights register

- (1) The *Infrastructure Planner* must maintain an *access rights register* that includes all relevant detail in relation to each *access right*, which at a minimum must include:
 - (a) the identity of the *access right holder*;
 - (b) a description of the relevant *approved project*, including its location and plant type;
 - (c) the *maximum capacity* of the relevant *approved project* in each *capacity period*;
 - (d) the date of registration;
 - (e) identification of any *REZ access standards* applicable to the *approved project*;
 - (f) the part of the *access rights network* to which the *approved project* may connect or is connected;
 - (g) whether the *approved project* is subject to clause 3.13.3(b2)(2) of the *Rules*; and
 - (h) if the *access right* has been suspended or terminated, or has otherwise expired or ended, including the date on which this occurred.
- (2) The *Infrastructure Planner* may, at its absolute discretion, include additional information in relation to an *access right* in the *access rights register*, including any other relevant *project characteristics*.

Dictionary

access right has the meaning given in clause 6.

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

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

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

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

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

Act means the *Electricity Infrastructure Investment Act 2020*.

aggregate expected capacity profile means:

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

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

application process means the process for inviting, accepting and assessing applications for the grant or increase of an *access right* without a competitive tender, conducted by the *Infrastructure Planner* in accordance with the *regulations*.

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

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

capacity period means:

- (1) an intra-day period notified by the *Infrastructure Planner* in accordance with subclause 7(5), and which may vary for days during different seasons; and

(2) until a notification by the *Infrastructure Planner* under subclause 7(5)(c), a single 24-hour day.

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

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

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

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

- (1) generation plant and storage plant; or
- (2) generation plant or storage plant and plant (other than generation or storage plant) that consumes electricity,

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

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

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

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

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

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

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

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

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

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

expected capacity profile for a period means in relation to a *project*, the *Infrastructure Planner's* forecast of that project's likely future generation profile over the relevant period determined in accordance with subclause 7(8).

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

forecast curtailment means forecast curtailment on the *access rights network* or a *network element* (as the case may be) determined by the *Infrastructure Planner* in accordance with Schedule 3.

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

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

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

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

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

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

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

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

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

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

maximum available capacity profile has the meaning given in paragraph 2(b) of Schedule 3.

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

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

Minister means the *Minister* for Energy.

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

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

network operator has the meaning given in the Act.

network service provider has the meaning given in the Rules.

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

power system has the meaning given in the Rules.

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

project characteristics means:

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

as modified in accordance with clause 12.

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

regulations means regulations made under the Act.

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

Rules means the National Electricity Rules made under Part 7 of the National Electricity Law, as amended from time to time in accordance with Part 7 of the *National Electricity (NSW) Law* or the *National Electricity (NSW) Act 1997* and as modified by the *regulations*.

Scheme Financial Vehicle has the meaning given under the Act.

sent out generation has the meaning given under the Rules.

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

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

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

transfer capacity has the meaning given in Schedule 3.

Schedule 1 – Access rights network

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

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

Schedule 2 – Eligibility criteria

- (1) The eligibility criteria set out in Table 1 will apply to the grant of *access rights* or approval of an increase in the *maximum capacity* of an *approved project* in any *capacity period* by the *Infrastructure Planner*.
- (2) The *Infrastructure Planner* may determine amended eligibility criteria for the grant of *access rights* or approval of an increase in the *maximum capacity* of an *approved project* in any *capacity period* from time to time under subclause 18(4).

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

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

	<p>aggregate the capacity of their generating units.</p> <p>(b) <i>Co-located hybrid infrastructure projects awarded a firming infrastructure LTES agreement.</i></p>	
Storage infrastructure projects	Storage infrastructure projects with any proposed <i>maximum capacity</i> .	Storage infrastructure projects with any proposed <i>maximum capacity</i> .

Schedule 3 – Calculations

Headroom

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

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

Forecast curtailment

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

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

Where:

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

- (a) for the purposes of an assessment under subclause 7(3), the relevant *project* for which an *access right* or increase in *maximum capacity* or material change in *project characteristics* is being assessed under that clause; and
- (b) for the purposes of an assessment relating to the additional *maximum capacity* resulting from a proposed *market-led augmentation*, the relevant *project* that relates to the proposed *market-led augmentation*.

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

- (a) for the purposes of an assessment under subclause 7(3), the relevant *project* for which an *access right* or increase in *maximum capacity* or material change in *project characteristics* is being assessed under that clause; and
 - (b) for the purposes of an assessment relating to the additional *maximum capacity* resulting from a proposed *market-led augmentation*, the relevant *project* that relates to the proposed *market-led augmentation*.
- (6) The *Infrastructure Planner* must select a reference year for the purposes of the calculation of *forecast curtailment*.

Network element forecast curtailment

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

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

Where:

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

- (a) for the purposes of an assessment under subclause 7(3), the relevant *project* for which an *access right* or increase in *maximum capacity* or material change in *project characteristics* is being assessed under that clause; and
- (b) for the purposes of an assessment relating to the additional *maximum capacity* resulting from a proposed *market-led augmentation*, the relevant *project* that relates to the proposed *market-led augmentation*.

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

- (a) for the purposes of an assessment under subclause 7(3), the relevant *project* for which an *access right* or increase in *maximum capacity* or material change in *project characteristics* is sought under that clause; and
 - (b) for the purposes of an assessment relating to the additional *maximum capacity* resulting from a proposed *market-led augmentation*, the relevant *project* that relates to the proposed *market-led augmentation*.
- (8) The *Infrastructure Planner* must select a reference year for the purposes of the calculation of *network element forecast curtailment*.
 - (9) An *approved project* will be taken to utilise a *network element* if the generation sent out from the *approved project* must flow across that *network element* in order to be transferred from the *access rights network* to any other transmission network to which the *access rights network* is connected.

Transfer capacity of the access rights network

- (10) The **transfer capacity** of the *access rights network* means the network capacity in MW between the *access rights network* and any other transmission network to which the *access rights network* is connected. If there is more than one point of connection between the *access rights network* and another transmission network the *transfer capacity* will take into account the combined *transfer capacity* across all points of connection.
- (11) Until revised in accordance with paragraphs 12 to 15 (inclusive) of this Schedule 3, the *transfer capacity* of the *access rights network* will be taken to be the intended network capacity for the *access rights network* specified in the *CWO REZ Declaration* dated 28 October 2021.
- (12) Following an authorisation of, or direction to, a *network operator* to carry out the *access rights network*, or any addition, extension or augmentation to the *access rights network* that affects the *transfer capacity*, under section 31(1)(b) or section 32 of the Act, the *transfer capacity* of the *access rights network* will be taken to be the capacity (in MW) determined by the *Infrastructure Planner*. In making this determination the *Infrastructure Planner* must take into account the technical specifications of the *access rights network*, and any addition, extension or augmentation to the *access rights network*, in the relevant recommendation made under section 30 of the Act.
- (13) Following an increase in *transfer capacity* (in MW) determined under subclause 11(8) created by a *market-led augmentation*, the *transfer capacity* of the *access rights network* will be taken to be the sum of the *transfer capacity* of the *access rights network* immediately prior to the determination under subclause 11(8) and the increase determined under subclause 11(8).
- (14) Following commissioning of the *access rights network*, or any addition, extension or augmentation to the *access rights network* (including a *market-led augmentation*), the *transfer capacity* of the *access rights network* will be the capacity (in MW), determined by the *Infrastructure Planner*.
- (15) For the purposes of determining *headroom* under subclause 11(4)(b) or assessing the relevant *project* for which a *market-led augmentation* is proposed, the *transfer capacity* applied in determining *forecast curtailed electricity* will include the assessment of *transfer capacity* under subclause 11(4)(a).
- (16) The *Infrastructure Planner* must notify *access right holders*, and publish a notice on its website, of a revision to the *access rights network transfer capacity*.

Transfer capacity of a network element

- (17) The **transfer capacity** of a *network element* means the capacity (in MW) to transfer electricity between that *network element* and another *network element* on the *access rights network*.
- (18) Until revised under clauses 19 and 20 of this Schedule 3, the *transfer capacity* of a *network element* is taken to be the MW capacity notified by the *Infrastructure Planner* in accordance with subclause 9(2).
- (19) The *transfer capacity* of a *network element* will be revised by the *Infrastructure Planner* in accordance with any additional capacity in the *network element*:
- (a) that is the subject of an authorisation under section 31(1)(b) of the Act or a direction under section 32 of the Act or an increase in *transfer capacity* of a *network element* (in MW) determined under subclause 11(8) created by a *market led augmentation*. In making this revision the *Infrastructure Planner* must take into account the technical specifications of the *network element*, and any addition, extension or augmentation to the *network element*, in the relevant recommendation made under section 30 of the Act (if relevant); or
 - (b) following commissioning of the *network element* or any augmentation of the *network element* (including a *market-led augmentation*).
- (20) In assessing a relevant *project* for a proposed *market-led augmentation*, the *transfer capacity* applied in determining *network element forecast curtailed electricity* will include the assessment of *transfer capacity* under subclause 11(4)(a).
- (21) The *Infrastructure Planner* must notify *access right holders*, and publish a notice on its website, of the *transfer capacity* of each relevant *network element* following:
- (a) a notification under subclause 9(2) in respect of the relevant *network element*; or
 - (b) a revision to the *transfer capacity* of a *network element*

Outages

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