Access Consent | Proposed Assessment Criteria and Agreement terms for feedback

What Access Consent is

An Access Scheme is used to authorise or prohibit access to, and use of, specified network infrastructure (the Access Scheme Network). There are two different approaches (or policy 'tools') which can be used to control network access under an Access Scheme:

- **Access Rights Regime:** Where an Access Rights Regime is used (where the network infrastructure is specified as Access Rights Network), Projects are required to hold an **Access Right** before they can apply to connect to the network. In an Access Rights Regime, the total capacity of Access Rights is capped meaning only a limited capacity of projects can connect and export to the grid, providing greater certainty of curtailment risk to connecting Projects.
- **Access Control Mechanism:** Where an Access Control Mechanism is used (the Access Control Network), Projects are required to obtain consent from the Infrastructure Planner (**Access Consent**) before they can apply to connect to the network. Connection to the Access Control Network will not be capped, and so there is no limit to the capacity of Projects for which Access Consent can be granted.

An Access Rights Regime and an Access Control Mechanism can be applied to different elements of network infrastructure in the same REZ but cannot be applied to the same network infrastructure.

An Access Control Mechanism has not been used in an Access Scheme to date, but is expected to be used in the future. EnergyCo is in the process of developing the details relating to the granting of Access Consent, including the Assessment Criteria which would be used to determine conditional Access Consent and the Consent Agreement terms that proponents would be required to commit to, to formalise their Access Consent.

What Access Consent will deliver

Access Consent (within an Access Control Mechanism) is being designed first and foremost to ensure consistency in the way Projects are engaging with and supporting communities within REZs. It is proposed to introduce a light-touch control only, relative to an Access Right, ensuring that all projects seeking connection to the Access Scheme Network (as defined in each REZ) meet eligibility requirements, make commitments related to community engagement and development activities and pay access fees that include components for community and employment purposes.

Why this is important for communities and for developers

Community support for the energy transition is critical to the timely development of new generation and storage projects in NSW. The introduction of Access Consent for high voltage network infrastructure in a REZ will benefit communities by ensuring more projects in their region:

- are subject to consistent eligibility assessment,
- commit to positive behaviours, and
- are required to pay access fees for community and employment purposes.

Access Consent will also benefit developers, by providing more certainty of the expectations on the other projects seeking connection around them and reducing the risk that neighbouring projects undermine local community support for the REZ and energy transition.

Proposed assessment criteria for Access Consent

The following tables provide draft Access Consent criteria which EnergyCo is currently considering for the assessment of projects seeking to connect to an Access Control Network in REZs, where an Access Control Mechanism is introduced as part of an Access Scheme. The Access Consent criteria are intended to be assessed on a "pass/fail" basis. A project that passes all the criteria would receive Access Consent, subject to contracting.

EnergyCo is seeking feedback on these draft Access Consent Assessment criteria to inform our work as we progress the design of Access Consent policy. These draft criteria are only being considered at this stage and should not be assumed to apply to any projects at this point in time.

1. Proponent characteristics

	Draft criteria	Rationale	Decision factors
1.A	Applicant holds an Australian Business Number (ABN).	Applicant must demonstrate it is able to operate in Australia in compliance with Australian Government law.	Full compliance required to pass
1.B	Applicant is an Australian entity incorporated under the Corporations Act 2001 (Cth)		
1.C	The Applicant must not be named as an organisation on the Consolidated List maintained by the Australian Sanctions Office within the		

	Department of Foreign Affairs and Trade.		
1.D	Applicant must not have had a judicial decision relating to employee entitlements made against it (not including decisions under appeal), where the Proponent has failed to pay any amounts required to be paid following that judicial decision.		
1.E	Applicant must not have been named as an organisation that has not complied with the Workplace Gender Equality Act 2012 (Cth).		
1.F	Applicant must comply with: • obligations under employment contracts, industrial agreements, and awards; • codes of conduct and practice relevant to conditions of service and to the relations between the Proponent and the employees employed by the Proponent; and • applicable Workplace Health and Safety legislation.		
1.G	Applicant must not, within the previous 10 years, have been subject to an inquiry by the NSW Independent Commission Against Corruption, or an equivalent		

	body in a jurisdiction in Australia, where a finding has been made against the Proponent (including that the Proponent has engaged in corrupt conduct).		
1.H	If the Applicant is a 'reporting entity' under the Modern Slavery Act 2018 (Cth) the Proponent must have complied with its obligations under that Act, including (if applicable) registering a Modern Slavery statement with the Commonwealth Attorney General's Department.		
1.I	Applicant is not impacted by an order served under the EII Act, Section 29, prohibiting connection of a project to the network.		

2. Proponent track record

	Draft criteria	Rationale	Decision factors
2.A	Applicant is on the public register for the Australian Government's Developer Rating Scheme at the time of application; or Applicant has provided a letter of engagement with Equifax to demonstrate it is in the process of assessment at the time of application, and must be on the public register by the	EnergyCo is interested in assessing the demonstrated capacity of Applicants to meet high standards in the development of their projects, particularly in regard to community engagement. Currently, we are considering leveraging the Australian Government's Developer Rating Scheme as an independent and rigorous	Full compliance required to pass. Applicant must be on the public register for the Australian Government's Developer Rating Scheme when the Consent Agreement is executed (Condition Precedent).

	time the assessment outcome is announced.	assessment of developer capacity and capability to deliver and operate at a high standard. To the extent that Applicants would already be engaging with the Developer Rating Scheme voluntarily, this approach would be a more streamlined and efficient means of assessing Applicants than introducing a duplicative assessment for Access Consent. If the Developer Rating Scheme is leveraged for Access Consent, Applicants would be required to be listed on the public register, reflecting that they have achieved an overall rating of at least three stars as well a rating of at least three stars in the 'community' criteria.	

3. Biodiversity context

	Draft criteria	Rationale	Decision factors
3.A	Applicant demonstrates it has considered and documented the project's potential impacts on biodiversity including: 1. **Protected lands** including National Parks Estate and any private land agreements within 500m of the project footprint (Applicant should provide name of protected land/s and type of protection; if none within	Applicants should be seeking information on and engaging with the biodiversity context of their project early in project development, to ensure this is factored into early decision making.	An Applicant who identifies potential impacts must demonstrate that they have: • addressed the project's potential impacts on biodiversity based on best available data or information (applicant should list data or information sources used, assumptions and limitations)

500m identify nearest protected land). 2. Significant biodiversity values: a. threatened species records on or within 5km of the project footprint including name of the species and number of records (accessed through BioNet) b. threatened ecological communities on or within 5km of the project footprint including name of the TEC, distance to the footprint and area of continuous patch c. area of the Biodiversity Values Map within the project footprint d. distance to the nearest karst system (provide name of karst system or nearest caves) *Note: Presence of biodiversity values can be estimated from desktop or spatial analysis, supplemented with on ground information, where available.*		• sought assistance from the appropriate biodiversity team in DCCEEW to access state-wide datasets where local or on-ground information is not available • provided a short description of how impacts will be avoided and minimised through project planning, design and construction, where the values occur on or near the project footprint • contacted the appropriate biodiversity team in DCCEEW if potential impacts have been identified.

Draft non-assessable response criteria

The following table provides a draft non-assessable response criteria which EnergyCo is currently considering requiring projects seeking to connect to Access Control Network to respond to as part of the Consent Assessment process.

1. Regional context (non-assessable response criteria).

	Draft criteria	Rationale	Decision factors
4.A	Applicant must demonstrate an understanding of the regional context in which it is proposing to develop. Applicants will be required to provide a statement of regional context which demonstrates: • Engagement with published community feedback regarding renewable energy and storage development in the region; • Understanding of the key communities and nature of the economic centres in the region; • How it considers the regional context will impact its Community Engagement Plan when developed.	Applicants should be aware of the unique regional context in which they are seeking to develop a project, the current and past community sentiment for the development of similar projects in the region, and factors which will need to be considered or accommodated to facilitate effective engagement with local community. Applicants will be required to develop a Community Engagement Plan at a later stage in their development (see draft Consent Agreement inclusions) and that Engagement Plan must be developed taking into account the regional context in which they are seeking to develop.	Applicant must provide a response. The content is proposed to be non-assessable.

Draft commitments and obligations to be included in the Consent Agreement

The following table provides an overview of the types of commitments and obligations which EnergyCo is currently considering including in the Consent Agreement. Applicants which successfully pass the Consent Assessment stage would be required to execute a Consent Agreement with EnergyCo as well as an Access Payment Deed with the Scheme Financial Vehicle before they receive formal 'consent' to make an application to connect to the Access Control Network.

Draft commitment
Information sharing The Applicant must share information with EnergyCo regarding the development, construction, operation and maintenance of the Project, as reasonably requested by EnergyCo. EnergyCo will not publicly disclose this information unless otherwise agreed.
Cumulative impact obligations The Applicant must comply with the Cumulative Impacts Obligation, which includes: • acknowledging the potential cumulative impacts which may arise due to its project developing, constructing and operating at the same time as the development, construction and operation of other projects in the REZ. • acknowledging and agreeing to reasonably minimise contributions of the project to cumulative impacts • complying with information sharing and coordination activities with EnergyCo, including in relation to transport routes and timeframes for the transport of oversized and over mass loads through construction.
Social licence commitments The Applicant commits to develop and submit to EnergyCo by the earlier of a) the time it reaches Financial Close or b) within 30 days of receiving an Offer to Connect, commitments to support communities in the New England REZ via: • A Community Engagement Plan; and • Industry and Aboriginal Participation Plan. The Applicant must commit to submitting a Community Engagement Plan by the specified project milestone which demonstrates a clear understanding of any impacts of the Project on the community plus a tailored approach to minimise and offset any impacts of the Project on affected communities through: • engagement with local communities and stakeholders that is generally consistent with applicable NSW Government Guidelines to foster local community support • improvement in land use, considering any environmental constraints and opportunities in the site selection process that is generally consistent with applicable NSW Government Guidelines

- a binding Community Engagement Plan that includes the Applicant's local shared benefit commitments.

The Applicant must commit to submitting an Industry and Aboriginal Participation Plan (IAPP) by the specified project milestone which demonstrates the Applicant's commitment to improving regional economic development, including the local supply chain, workforce development and First Nations participation. The Applicant's IAPP, when developed, must comply with the requirements and recommendations of First Nation Guidelines regarding consultation and negotiation with local Aboriginal communities and the Renewable Energy Sector Board's Plan.

Model REZ Access Commitment

The Applicant must act in a manner consistent with the Model REZ Access Commitment, including commitments relating to community engagement, benefit sharing, and best practice environmental, social and governance.

Community engagement component

The Applicant endeavours to employ best practice engagement principles and facilitate meaningful, respectful and effective engagement throughout the development of the Project.

This includes a commitment to:

- establish and maintain positive relationships with communities and key stakeholders;
- present clear, accurate and objective information regarding the Project;
- utilise different engagement measures including face to face, formal correspondence and community groups;
- facilitate solution orientated engagement, actively seeking feedback and illustrating how feedback has been considered;
- adopt a place-based, best practice First Nations engagement strategy; and
- co-ordinate engagement activities with EnergyCo across the REZ.

Benefit sharing

The Applicant endeavours to foster genuine benefits for all stakeholders in the REZ, showing consideration of current NSW Government policy through the development of the Project.

This includes a commitment to:

- create local employment opportunities for local workers, communities and First Nations people;
- create local investment opportunities for local businesses by prioritising local procurement and supply chain opportunities;

- create and maintain positive, lasting and meaningful community benefit sharing strategies, informed by consultation and tailored to the local context; and
- co-ordinate benefit sharing initiatives with EnergyCo across the REZ.

Environmental Social and Governance (ESG)

The Applicant endeavours to implement best practice ESG principles through the development of the Project.

This includes a commitment to:

- implement best practice environmental protection, sustainability and resilience measures throughout the entire lifecycle of the Project;
- manage resources and waste through efficient and sustainable methods when feasible throughout the entire Project lifecycle; and
- promote a diverse and inclusive workforce, building on local skills, strengths, and diversity.