

Can the contracted capacity offered be changed each time a swap for a Generation Long-Term Energy Service Agreement is exercised?

No, the contracted capacity bid in the tender is fixed for the term of the Long-Term Energy Service Agreement (LTESA).

Are the Access Fees of an Access Right subject to indexation?

Yes, Access Fees are proposed to be indexed to annual CPI. [The Tender Guidelines provide more information on this.](#)

What occurs if there are some historical Repayment Amounts remaining to be paid at the end date of the LTESA?

Any obligations owed by the LTES Operator to the Scheme Financial Vehicle (SFV) terminate at the end of the LTESA. If there are any historical repayment amounts remaining at the end date of the LTESA, these will not need to be repaid by the LTES Operator.

Regarding eligibility criteria, what is the deadline that a project needs to have lodged SEARs to be eligible?

The Project must have received a Secretary's Environmental Assessment Requirements (SEARs) or have lodged an application under the *Environmental Planning and Assessment Act 1979* (NSW) by the Tender Commencement Date. If a Proponent submits a Bid in respect of more than one Product, the Proponent must demonstrate that its Project meets the Project Eligibility Criteria that is applicable to each of the Products.

To find out more about Requirements for Projects to meet the Project Eligibility Criteria please view [Section 4.1.2](#) of the Tender Guidelines.

Is the Financial Value Bid the first stage where proponents need to commit financial resources (e.g., bonds)?

Yes. Proponents will be required to provide the Security for Process Bond at the time of submitting a Financial Value Bid. This bonding is intended to mitigate the risk against a Proponent being successful in the Tender Round but then failing to sign relevant Project Documents reflecting the successful Bid. Subject to the terms of the Tender Process Deed, an unsuccessful Proponent in a Tender Round, or a Selected Proponent that enters into the relevant Project Documents, will have the Security for Process Bond returned.

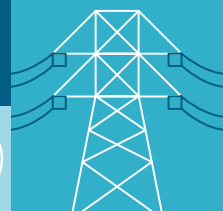
Security for development and construction is also required to be provided by the party to the Project Development Agreement (PDA) at the time of contract execution. This security is intended to provide collateral where a Project either fails to meet Financial Close or commercial operation in accordance with the relevant Project Document. The terms governing the provision of this security are set out in the PDA.

The terms governing the Security for Process Bond are set out in the [Tender Process Deed](#), with the amount specified in the Tender Guidelines.

Is the Project Proponent meant to demonstrate to AEMO Services the financial impact of the proposed project to NSW consumers and also the SFV? Or would this assessment be undertaken by AEMO Services?

The assessment would be undertaken by AEMO Services using information provided by the Proponent as part of the tender Bid.

[Section 4.2.2 Financial Value Merit Criteria](#) in the Tender Guidelines outlines the information required to assess the Merit Criteria for the Financial Value Assessment for shortlisted Proponents. This applies to all combinations of Products being tendered as part of the Bid.



Is the Target Capacity entry date an eligibility criteria for projects? Where a Proponent does not expect to achieve the target COD in the Tender Guidelines, should they submit a bid or wait for subsequent rounds?

The target capacity entry dates in the Tender Guidelines are indicative only and will not be applied as eligibility criteria.

Project COD will be assessed against [Merit Criteria 4 \(MC4\) – Pathway to Commercial Operation](#). Projects that are not sufficiently developed and carry significant development and construction risks are likely to receive a lower score under MC4. Please see the Tender Guidelines for further clarity.

Will there be a particular target set for generation type mix for each tender round, i.e. a set number of desired MW of wind/solar/battery?

No, there are no technology targets for Tender Round 1. The NSW Consumer Trustee will maintain a technology neutral approach to awarding generation and long duration storage (LDS) LTESAs where Projects meet eligibility requirements.

Financial value is the primary consideration for the Consumer Trustee when assessing Financial Value Bids. In addition, all decisions by the NSW Consumer Trustee must be in the long-term financial interests of NSW electricity customers.

Will a summary of the feedback from losing bids be provided to proponents on future tenders?

All unsuccessful Proponents will be notified with an opportunity for feedback within probity considerations. We intend to publish summarised information on successful bids without disclosing commercial in confidence information.

Since the LTESA and Renewable Energy Zone Access Right are new products in the NSW electricity market, we will continue to provide market briefing which may include case studies on responses and scenarios that are likely attract higher scores.

How are proponents expected to submit Connection Enquiries to grid infrastructure, such as the Central-West Orana Renewable Energy Zone (CWO REZ) transmission line, that isn't built yet?

[Project Eligibility Criteria EC8](#) does not apply to Projects seeking to apply to REZ Access Rights transmission infrastructure.

For Tender Round 1, Proponents seeking Access Rights are exempted from providing the mandatory or essential information for [Merit Criteria 3](#) as the CWO REZ is not sufficiently developed for this information to be available or useful. Projects seeking Access Rights will be given a base score that reflects minimal impacts to nearby generators and have an opportunity to achieve a higher score through demonstrating a feature of the Project that reduces or improves its curtailment or marginal loss factor (MLF) impact on nearby generators.

If my project is outside a REZ can I bid for an LTESA?

The NSW Consumer Trustee encourages all eligible projects in NSW to participate in competitive tenders. Projects outside the geographic boundaries of a REZ will be critical to delivering the energy transition at the lowest cost and risk to NSW electricity consumers. LTESAs awarded to projects outside the geographic region of a declared REZ must show 'outstanding merit'.

[Section 4.1](#) of the Tender Guidelines sets out the intended approach to assessing a project's merit, including financial value and outstanding merit. Regulations recently made by the NSW Government define outstanding merit and other matters relevant to the NSW Consumer Trustee's assessment of [Outstanding Merit](#).



If a project seeks an LTESA and an Access Right, but is uncompetitive on LTESA – can it still be awarded an Access Right in that tender?

Yes, this is described in the Tender Guidelines in [Section 3.1.5 - Alternative Product Bid](#). An Alternative Product Bid “may include an amended combination of Products requested for the same Project”. The Tender Guidelines provide more detail on how such an Alternative Product Bid will be assessed.

Will you provide guidance on best practice engagement with First Nations communities and how this will be measured?

The [First Nations Guidelines](#) and [Renewable Energy Sector Board Plan](#) provide more information on engagement and benefit sharing with First Nations communities.

The mandatory Industry and Aboriginal Participation Plan (IAPP) attachment” as described in the Tender Guidelines will also provide further information on baseline and stretch targets for First Nations participation in the workforce.

As part of our Market Briefing Series the Consumer Trustee intends to publish some case studies to highlight some of the best practice principles.

The Modern Slavery registration requirement is quite onerous, as it could take a number of months. Can this be shifted to the project bid assessment?

An updated response taking into account timing requirements will be published in the final [Tender Guidelines](#).

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