

Electricity generation licence application form

Purpose of this form

This form must be completed by persons applying to the Essential Services Commission (the commission) for a licence to authorise electricity generation in Victoria. Electricity generation includes battery energy storage systems.

Basis for this form

Section 18 of the *Electricity Industry Act 2000* (the Industry Act) provides that a licence application must be made in a form approved by the commission. This is the form approved by the commission.

Use of this form and the applicant's responsibilities

A licence application may be made by any legal person including, without limitation, individuals, incorporated associations, unit and other forms of trusts and corporations. Entities that are not a legal person (for example, an unincorporated joint venture or a partnership) cannot apply for a licence.

For the purpose of this application form, reference to the term "Officer" includes the applicant's directors and secretary, and other persons who make or participate in making decisions that affect a substantial part of the business (for example, Chief Executive Officer, Chief Financial Officer or General Manager).

The applicant should list the information requested in the spaces provided in this form and enclose additional information when required.

The applicant must take all reasonable steps to ensure the information provided in the application form is complete, true and correct.

An officer of the applicant is required to make a declaration to this effect in the application form. Failure to disclose information or misrepresent any matter relevant to such information may result in a licence not being issued or in the revocation of a licence later.

It is a criminal offence under section 61A of the *Essential Services Commission Act 2001* to provide the commission with false or misleading information or documentation.

The applicant is responsible for providing the commission with current, accurate and relevant documentation. It is the applicant's responsibility to make all reasonable inquiries to obtain the information requested by this form.

Providing accurate and relevant information and a complete application (answering all questions and providing all information) will assist in timely processing of an application. All applications are assessed on a case-by-case basis. If insufficient information is provided with an application, we will contact the applicant about the requirement for additional information to be submitted before the application is considered further.

Prior reading

It is expected that the applicant has read our [Guideline: Applications for electricity and gas industry licences](#) before completing this form.

It is the applicant's responsibility to ensure its compliance with legal obligations when applying for a licence.

Licence conditions

Section 20 of the Industry Act authorises the commission to issue licences subject to conditions as decided by the commission. Licences are published on our [website](#). We recommend the applicant familiarise itself with the relevant standard conditions and be confident that it can comply with those conditions prior to applying for a licence.

Further information

The applicant should note that we may ask for further information, or to clarify the information that the applicant has already provided with the application.

Consultation and confidentiality

We will consult with relevant government, industry and consumer groups on the licence application through a public consultation process. Applications and/or supporting information that is not confidential will be made available on our website.

If the applicant believes that any information provided as part of its application is confidential or commercially sensitive, it is the applicant's responsibility to clearly identify this information on those documents. The applicant should also provide a 'non-confidential' version of the application form and documents for publication on our website.

How to lodge an application

The applicant may send the completed application form electronically (preferred) or in hard copy to:

Electronically: licences@esc.vic.gov.au

Hard copy: Market Operations, Energy Division
Essential Services Commission
Level 8, 570 Bourke Street
Melbourne VIC 3000

Large files

Applicants generally need to send us large files which is often not suitable via email. Please contact us at licences@esc.vic.gov.au to discuss alternative options to provide an application to the commission.

Application fees and annual licence fees

The commission has the authority to set a licence application fee. Currently, there is no application fee.

Holding a licence incurs annual licence fees. Refer to the commission's [Guideline: Applications for electricity and gas industry licences](#) for more information regarding annual licence fees.

1. General Information – The Applicant

The applicant must answer all questions in this section.

1.1 Legal name of applicant

State the full legal name of the applicant. The applicant is the person who will be generating electricity and/or selling (wholesale) electricity that will be the subject of the licence.

Name: Regional Wind Farms Pty Ltd

1.2 Legal identity of applicant

Provide the applicant's ABN and ACN (where relevant) and information about the applicant (for example, whether the applicant is a private limited company, trust, or joint venture).

ABN: 11 107 163 182 **ACN:** 107 163 182

Type of entity: Australian Proprietary Company, limited by shares.

1.3 Contact details and address of the applicant

The applicant

Business address: Waterfront Place, Level 6, 1 Eagle Street, Brisbane

State: Queensland Postcode: 4000

Postal address (if different): GPO Box 2768, Brisbane

State: Queensland Postcode: 4000

Full name of contact person: Martin Deighan Behan

Position title: Manager Energy Markets

Telephone: [REDACTED] Mobile: [REDACTED]

Email: [REDACTED]

1.4 Diagram of corporate and organisational structure

Attach a diagram illustrating the corporate structure, including details of any related companies within the meaning of the *Corporations Act 2001* and the organisational chart. Provide a diagram of the:

- a) corporate structure (including any parent and related companies within the meaning of the *Corporations Act 2001*), and

Attachment reference: 001A EDL Corporate Group illustrates the EDL Group companies, including RWF, and 001B EDL Upstream Related Companies shows the related entities upstream of the EDL Corporate Group.

- b) organisational chart (including composition of the board, management, and other key personnel responsible for the key functions).

Attachment reference: 002 RWF Management Structure. Note the board comprises James Christopher Harman (sole director), and Glen Elliott Marshall and Edwina Rodd (each company secretaries).

1.5 The licence

The applicant must answer all questions in this section.

If the applicant is seeking for a licence to be issued by a certain date, identify this date. **Note: we do not undertake to issue the licence by this date.** The applicant should usually allow a minimum of eight to 10 weeks **once we consider the application to be complete.** An application is considered complete once we have all the information needed for the commission to make a decision. In other words, when we have no need to request further information from the applicant. This includes a public consultation period of four weeks (generally) as part of our consideration of licence applications.

Provide details on the following:

Date from which licence is sought: As soon as practicable.

Type of generation: Wind turbines

Expected name plate capacity: 6 x 2 MW generating units

Location of generation facility: 165 Campbell Street, Wonthaggi, Victoria 3995

Details of how the generator will be connected to the network:

The generator is currently connected to AusNet's electricity distribution network via a 22kV connection point located at AusNet's 22 kV Wonthaggi Zone Substation.

2. Technical capacity

The applicant must answer all questions in this section.

2.1 Experience and knowledge of the industry

Provide information about the human resources available to the applicant. This includes:

- a) The experience and qualifications of those employees outlined in the organisational chart (see 1.4b);
- b) If the applicant will employ contractors or agents to assist with the licensed activities, the name of those contractors or agents, details about the experience of the contractors or agents in such operations and details of the processes in place to ensure the contractors or agents comply with the licence conditions, including relevant regulatory obligations.

Where the applicant is relying on a third party to provide staff and/or resources to meet the technical capacity requirements of the generation and wholesale licence, provide:

- c) the experience and qualifications of any relevant key employees who will manage those systems and processes;
- d) if the applicant will engage third parties to assist with the licensed activities, provide the following information in relation to each third party:
 - (i) the name of that third party
 - (ii) the scope of activities undertaken by the third party
 - (iii) details and copies of any agreements for the provision of services
 - (iv) details about the experience of the third party in relation to the activities that it will be undertaking, including any accreditations
 - (v) details of the processes in place to ensure the third party complies with the licensee's regulatory obligations.

Attachment reference: 003 RWF Experience Summary

2.2 Risk management

- a) Provide confirmation and evidence that the applicant has identified the risks associated with electricity generation and wholesale operations. Additionally, provide evidence that the applicant has established, utilised and relied upon risk management systems and processes which are adequate, accurate and current to address those risks.
- b) Provide a copy of the applicant's risk management strategy. A statement should also be provided (or supporting document must make it clear) whether the strategy has been developed in line with any Australian or International Standard (for example, ISO 31000:2018).
- c) Provide a copy of a risk register that identifies risks, controls and mitigations.

Attachment reference: 004 RWF Risk Management Strategy

2.3 Registration with the Australian Energy Market Operator and generator performance standards

Advise if the applicant will apply to register with the Australian Energy Market Operator (AEMO). If so, provide evidence of registration or exemption, or intending registration or exemption (for example, correspondence between the applicant and AEMO). If the applicant is not registering with AEMO, describe why that is the case.

Provide confirmation from AEMO that proposed negotiated generator performance standards will meet requirements for power system security and reliability under the National Electricity Rules.

RWF currently has an exemption from the requirement to register with AEMO under clause 2.2.1 of the National Electricity Rules on the basis of its appointment of Progressive Green Pty Ltd as its intermediary.

Progressive Green is currently registered as the Generator for the Wonthaggi Wind Farm and has classified the generating units as market non-scheduled generating units.

The Wonthaggi Wind Farm has been connected to the AusNet distribution system since commissioning in 2006, and, as far as RWF is currently aware, there have been no technical compliance issues.

2.4 Licences held in other jurisdictions

If the applicant holds, or has previously held, electricity and/or gas licences or authorisations in other jurisdictions provide details. If a licence or authorisation previously held has been suspended or cancelled, provide details.

RWF does not currently hold any electricity or gas licences or similar authorisations in any other jurisdictions.

2.5 Previous unsuccessful licence applications in other jurisdictions

Confirm whether the applicant has applied for an electricity or gas licence in another jurisdiction and not been issued with a licence or authorisation, provide details.

RWF does not have any records of having applied for any electricity or gas licences or similar authorisations in any other jurisdictions.

2.6 Licences held by associates of the applicant

If an associate (within the meaning of the *Corporations Act 2001*) holds an electricity or gas licence in Victoria or in other Australian jurisdiction, provide details.

EDL LFG (VIC) Pty Ltd is a related body corporate of RWF. It has held a licence since 12 December 2012 under the *Electricity Industry Act 2000* (Vic) authorising it to generate electricity. The licence currently covers the Brooklyn and Clayton Landfill Gas Power Stations connected to the national electricity grid across Greater Melbourne. It also previously covered the Broadmeadows, Corio, Narre Warren, and Springvale Landfill Gas Power Stations before they were decommissioned.

2.7 Compliance management

- a) Provide evidence of compliance management which demonstrates how the compliance systems the applicant has (or will have) in place will ensure compliance with all the relevant regulatory obligations required by an electricity generation licence.
- b) Provide a copy of the applicant's compliance management strategy. A statement should also be provided (or supporting document must make it clear) whether the strategy has been developed in line with any Australian or International Standard (for example, AS ISO 19600:2015).

Attachment reference: 005 RWF Compliance Management Strategy

2.8 Material agreements

Provide copies of agreements entered into, or intended to be entered into, by the applicant that are material to the undertaking of the electricity generation activity. Agreements that are material to the undertaking of the electricity generation activity may include:

- a) Connection agreements, such as a Generator Connection Agreement and Generator Project Agreement with a generation facility.
- b) Any contract concerning the construction and delivery of the project (sometimes commonly referred to as a Project Construction and Coordination Deed (PCCD) or Engineering, Procurement and Construction Agreement).
- c) Any Network Services Agreements.
- d) Any contracts concerning the managerial aspects of the activity (sometimes commonly referred to as a Management Services Agreement or Asset Management Agreement).
- e) Any contract concerning the ongoing operations and maintenance of the transmission assets (sometimes commonly referred to as an Operations and Maintenance Agreement).
- f) Any contract concerning the sale of electricity from the generator under a Power Purchase Agreement.

Attachment reference:

- 006 RWF Connection Agreement with AusNet
- 007 RWF Intermediary Agreement with Progressive Green
- 008 RWF Maintenance Contract with Vestas
- 009 RWF Vestas Parent Company Guarantee

Note as an operating power station, RWF has a straightforward contractual structure, with a core connection agreement with AusNet, an agreement whereby Progressive Green acts as its intermediary in the NEM, and a contract with Vestas for the maintenance of the wind turbines.

2.9 Engagement with Energy Safe Victoria

Provide details about the applicant's engagement with Energy Safe Victoria and any copies of correspondence regarding the proposed electricity generation facility.

As previously noted, the Wonthaggi Wind Farm has been in operation since 2004. The EDL Group does not have any records of interactions with Energy Safe Victoria.

Attachment reference: N/A

2.10 Additional information

Provide any additional information the applicant considers relevant to the commission's assessment of the applicant's technical capacity.

EDL has built, owned, and operated distributed electricity generators across Australia since 1988, including large-scale solar, wind, batteries, and diesel, natural gas, waste coal mine gas, and landfill gas fired power stations. Technical performance obligations govern more than 750MW of EDL generation assets spread across Australia, with generator performance standards agreed with AEMO and various NSPs governing over 400MW of distributed generation across multiple registrations and agreements in the NEM and WEM. EDL's Operations and Engineering staff have and remain committed to dispatching these electricity generation assets in line with those standards each and every day and have done for over three decades.

3. Financial viability

3.1 Financial resources

The applicant must provide a statement that will be made available to the public during the consultation period that the applicant has the financial resources to commence and sustainably perform the relevant licensable activities.

Provide a statement to confirm that:

- a) the applicant is financially viable and has the financial resources to sustainably operate the electricity generation facilities, and
- b) the applicant will be a registered market participant with the Australian Energy Market Operator for its electricity generation activities, therefore subject to the prudential requirements under the National Electricity Rules.

The commission reserves the right to conduct a financial viability assessment and require the applicant to produce information and documents it considers appropriate to complete such an assessment.

Regional Wind Farms Pty Ltd (RWF) is part of the Energy Developments Group headed by Energy Developments Pty Ltd (EDL).

The EDL Group is one of the largest distributed and remote energy generator companies in Australia and has been operating in Australia for the last 35 years. Its current Australian operations include wind farms, landfill gas-fired power stations, waste coal mine gas generating plant and remote energy facilities. It is responsible for 428 MW of electricity generation directly connected to the national electricity grid and Western Australian grid and a further 332 MW supporting remote facilities. The EDL Group also has operations in the UK, the USA, Canada, and parts of Europe.

As a large registered Australian proprietary company, EDL is required to lodge annual financial reports with ASIC. These annual financial reports include declarations that, in the opinion of the directors, there are reasonable grounds to believe that these entities will be able to pay its debts as and when such debts become due and payable.

EDL's most recent annual financial report, which contains such confirmations, was lodged with ASIC on 29 March 2023.

As RWF operates compliant with the Corporations Act 2001 (Cth), it is financially viable and has the financial resources to sustainably operate the Wonthaggi Wind Farm (which it has done since acquisition).

Several members of the EDL Group are registered as Generators in the National Electricity Market. RWF has appointed an intermediary, Progressive Green Pty Ltd (trading as Flow Power) to be the registered Generator in the National Electricity Market (NEM) for the Wonthaggi Wind Farm; however, the obligations associated with being a market participant are largely passed through to RWF.

As the parent entity of RWF, EDL continues to be a robust and financially viable company and demonstrably has the financial resources to support RWF's sustainable operation of the Wonthaggi Wind Farm over the long term and in compliance with relevant laws.

4. Fit and proper person

The applicant must answer all questions in this section.

In deciding whether to grant or refuse a licence application, the commission will consider whether the applicant is a fit and proper person to hold a licence in Victoria.

The concept of a 'fit and proper person' is established by common law and takes its meaning from its context, from the activities in which the person is or will be engaged, and the ends to be served by those activities.

In considering whether an applicant is a fit and proper person, we will have regard to the applicant's honesty, integrity and reputation. These are relevant factors as they can inform an assessment of the likelihood of future conduct.

We will also consider the conduct of directors, office holders or any person with significant managerial duties or influence. We will also consider the conduct of related bodies corporate or entities that can exert control over the applicant.

- a) Have any directors of the applicant, directors of any entity that can exert control over the applicant, or any person with significant managerial responsibility or influence on the applicant:
- (i) been declared bankrupt,
 - (ii) had their affairs placed under administration,
 - (iii) been disqualified from managing a company,
 - (iv) been subject to debt judgements, or
 - (v) insolvency proceedings (including any administration, liquidation or receivership in connection with the affairs of a company)?

If yes, provide details:

No

- b) Has the applicant, any directors of the applicant, directors of any entity that can exert control over the applicant or any person with significant managerial responsibility or influence on the applicant been prosecuted for any offences or had any enforcement action taken under any state, territory, Commonwealth or foreign legislation (including, but not limited to, the *Competition and Consumer Act 2010*, *Corporations Act 2001*, or the *Australian Securities and Investments Commission Act 2001*)?

If yes, provide details:

No

- c) Has the applicant, any directors of the applicant, any related body corporate, or any person with significant managerial responsibility or influence on the applicant been involved in any material breaches of obligations regulated by the commission or any other regulator?

If yes, provide details:

No

- d) Has the applicant, any directors of the applicant, any related body corporate, or any person with significant managerial responsibility been under investigation in relation to its regulatory obligations or is currently bound by an enforceable undertaking?

If yes, provide details:

No

- e) Has the applicant, any related body corporate or any person with significant managerial responsibility or influence on the applicant, been refused a licence or authorisation, or had restricted, suspended or revoked any such licence or authorisation (in any jurisdiction)?

If yes, provide details:

No

- f) Provide any other information the applicant considers relevant to the commission's fit and proper person assessment.

N/A

Additional information

Answer the following questions and, where the answer to any question is “no” (except for question b)), provide further detail.

- a) Is the applicant a resident of, or does it have permanent establishment in, Australia?

Yes

- b) Is the applicant under external administration (as defined in the *Corporations Act 2001*) or under a similar form of administration under any laws applicable to it in any jurisdiction?

No

- c) Is the applicant immune from suit in respect of the obligations under the *Electricity Industry Act 2000*?

No

- d) Is the applicant capable of being sued in its own name in a court of Australia?

Yes

5. Commission objectives

The applicant must answer all questions in this section.

In deciding whether to grant or refuse an electricity generation licence application, the commission must consider its objectives under the *Electricity Industry Act 2000* and the *Essential Services Commission Act 2001* (ESC Act).

Our primary objective under the ESC Act, when performing our functions and exercising our powers, is to promote the long-term interests of Victorian consumers. In seeking to achieve this objective, we must have regard to the price, quality, and reliability of essential services and the matters set out in section 8A to the extent they are relevant.

In seeking to achieve the objectives specified in section 8, the commission must have regard to the matters to the extent that they are relevant in any particular case.

Provide any information the applicant considers relevant to the commission's consideration of its objectives outlined in:

- Section 8 of the ESC Act (also see section 8A of the ESC Act); and
- Section 10 of the *Electricity Industry Act 2000*.

The Commission's objectives include the promotion of the long-term interests of Victorian consumers, having regard to the price, quality and reliability of essential services.

The Wonthaggi Wind Farm has been in operation since 2005 and therefore the issue of a Generation Licence for this Wind Farm would clearly be in accordance with the Commission's objectives, as it will enable the Wonthaggi Wind Farm to keep generating sufficient electricity to power, on average, approximately 5,600 Victorian homes in a regional area of Victoria, without the need for new infrastructure and associated environmental impacts.

In addition, the continued operation of the Wind Farm will assist the State of Victoria meet its ambitious and world-leading Emissions Reduction Target of achieving net zero emissions by 2045.

6. Statutory declaration

All the information provided in this application and attached documents for an electricity generation licence must be true and correct and must be verified by a statutory declaration. This statutory declaration must be made by the applicant (where the applicant is an individual) or a director of the applicant (where the applicant is a corporation) and must be made in accordance with the requirements of the *Oaths and Affirmations Act 2018*.

An example statutory declaration form can be found [here](#). Information for authorised witnesses can be found [here](#).

The statutory declaration must address the following:

- a) identification of the declarant's position and/or role with the applicant
- b) that the declarant believes the information provided in the application to be true and correct
- c) that the declarant believes the applicant has the financial resources to commence and operate the activities the subject of the licence.

I, James Christopher Harmon, of Level 6, 1 Eagle Street, Brisbane QLD 4000, make the following statutory declaration under the *Oaths and Affirmations Act 2018* (Victoria):

- a) That I am a director of Regional Wind Farms Pty Ltd ABN 11 107 163 182; and
 - b) That the information provided in this application (including any attachments) to the Essential Services Commission for an electricity generation licence is true and correct,
- and I make this declaration conscientiously believing these matters to be true and knowing that making a statutory declaration that I know to be untrue is an offence.

Date: 27 February 2024

Signature: 

(signature of person making this statutory declaration in the presence of the authorised statutory declaration witness)

Declared at: Brisbane on 27 February 2024

Witness

I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration:



Glen Elliott Marshall of Level 6, 1 Eagle Street, Brisbane QLD 4000

Solicitor

A person authorised under section 30(2) of the *Oaths and Affirmations Act 2018* to witness the signing of a statutory declaration.