

## Generation and wholesale licence application form

### **Purpose of this form**

This form must be completed by persons making an application to the Essential Services Commission (the commission) for the issue of a licence to authorise electricity generation and selling (wholesale) electricity in Victoria.

### **Basis for this form**

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

### **Use of this form and the applicant's responsibilities**

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

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

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 the 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.

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.

Timely process of the application will be assisted by providing accurate and relevant information and a complete application (answering all questions and providing all information). All applications are assessed on a case-by-case basis. If insufficient information is provided with an application, we will request additional information to be submitted before the application is considered further.

## **Prior reading**

It is essential that the applicant reads our guide to applications for electricity industry and gas industry licences before filling out this form. The guide is available on [our website](#).

## **Licence conditions**

Section 20 of the Industry Act authorises the commission to issue licences subject to conditions as decided by the commission. We strongly recommend the applicant review the standard conditions in our licence template. The applicant must be familiar with the relevant conditions and confident that the applicant can comply with the conditions.

## **Further information**

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

## **Consultation and confidentiality**

We will consult with relevant government, industry and consumer groups in the conduct of its licensing functions through a public consultation process. Applications and/or supporting information will be made available on our website and in hard copy from our office for this purpose.

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

## **How to lodge an application**

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

Electronically: [licensing@esc.vic.gov.au](mailto:licensing@esc.vic.gov.au)

In writing: Essential Services Commission  
8/570 Bourke Street  
Melbourne VIC 3000

Application fees and annual licence fees

The Commission sets the application fees. Currently, there is no application fee.

Holding a licence incurs annual licence fees. The licence fees are determined by the Assistant Treasurer. The Commission will send an invoice for the licence fee to each licensee. Licence fees are to be paid on receipt of an invoice via one of the payment options set out in the invoice.

## 1. General Information – The Applicant

*The applicant must answer all questions in this section.*

### 1.1 Name of applicant

State the full 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.

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**NAME:** Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra Project Trust.

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### 1.2 Legal identity of applicant

Provide the applicant's ABN/ACN and information about the applicant (i.e. whether the applicant is a private limited company, partnership, trust, or joint venture etc.).

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**ABN:**

**ACN:** 626 141 704

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**Type of entity:** Trust

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### 1.3 Contact details and address of the applicant

#### The Applicant

**Business address:** Level 5, Deutsche Bank Place, 126-130 Philip Street, Sydney

State: NSW

Post code: 2000

**Postal address (if different):** C/O RES Australia Pty Ltd, Suite 6.01 Level 6, 165 Walker St, North Sydney

State: [NSW](#)

Post code: [2060](#)

Full name of contact person: [Sam Gard](#)

Position title: [Energy Markets Operations Manager](#)

Telephone:

Mobile:

E-mail:

#### 1.4 Diagram of corporate and organisational structure

Please attach with this application form the corporate or other structure, including details of any related companies within the meaning of the Corporations Act 2001. Please provide a diagram of the:

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

**Attachment reference:**

[Corporate Structure in Commercial in Confidence – Attachment A01](#)

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

**Attachment reference:**

[Organisational chart in Commercial in Confidence – Attachment A02](#)

#### 1.5 The Licence

***The applicant must answer all questions in this section.***

If the applicant wants the licence issued by a certain date, provide this date. Please note that we do not undertake to issue the licence by this date. The applicant should usually allow a minimum of 16 weeks to consider an application or from eight to ten weeks **once the application is complete**. An application is considered complete once we have all information we need to take the application to commission for 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: [01 June 2021](#)

Type of generation: [Electricity](#)

Expected name plate capacity: 209MW

Location of generation facility:  
2296-2224 Dimboola-Minyip Rd  
Blackheath, Victoria, 3401,  
Australia

Details of how the generator will be connected to the network  
Details of how the generator will be connected to the network is provided in Attachment A03

## 2. Technical capacity

*The applicant must answer all questions in this section.*

### 2.1 Experience and knowledge of the industry

Please 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);**

**Nandan Balachandran (Murra Warra II Wind Farm Director)** - Nandan Balachandran - Nandan is Director of Murra Warra I Wind Farm, Ararat Wind Farm and Member of Management in the Asia Pacific Private Infrastructure business unit of Partners Group, based in Sydney. He has been with Partners Group since 2010 and has twelve years of industry experience. Prior to joining Partners Group, he worked at Private Equity International and Bloomberg L.P.

**Benjamin Haan (Murra Warra II Wind Farm Director)** - Benjamin Haan is the director of Murra Warra I Wind Farm, Ararat Wind Farm, Bango Wind Farm, Crudine Ridge Wind Farm and Sapphire Wind Farm. He was previously Co-Head of Private Infrastructure at Partners Group in Asia, based in Sydney and has 18 years of industry experience. Prior to joining Partners Group, he worked at Accenture. He holds an MBA from Monash University, Australia.

**Danny Nielsen (Murra Warra II Wind Farm Director)** – Danny Nielsen is a respected executive in wind energy and a pioneer in the renewable energy industry. He has over 20 years of experience leading strategy and execution, innovating wind programs and projects and was previously the Chief Operating Officer for Vestas for the Asia Pacific region. Danny is skilled in strategic planning, business development, organisational strategy, and relationship management with stakeholders including government. Danny also took partnership in Blue Power Partners which specializes in construction and mainly work on behalf of infrastructure funds.

**Nicholas Kuys (Murra Warra II Wind Farm Director)** - Nicholas Kuys is a director on the boards of the relevant Murra Warra II entities and is a director of Bango Wind Farm, Crudine Ridge Wind Farm and Sapphire Wind Farm. He is the Head of Asset Management - APAC for the Infrastructure Division within Partners Group (the 100% equity sponsor of the Murra Warra II project). Nicholas has extensive experience in energy infrastructure in Australia, having previously been the General Manager of Operations and Head of Asset Management

for ASX-listed energy investor DUET Group, which owned controlling interests in a number of critical Australian energy businesses including: The Dampier Bunbury Pipeline (WA), United Energy (Victoria), Multinet Gas (Victoria), and Energy Developments Limited (Australia wide). Nicholas was a director/alternate director for each of the relevant company board of directors listed above. He received a Bachelor of Commerce from the University of Cape Town, is a Chartered Accountant (Australia and NZ) and obtained a Masters of Business Administration from the Australian Graduate School of Management.

**Daniel Thompson (Murra Warra II Wind Farm Director)** - Daniel Thompson has a strong track record and expertise in the Australian renewable energy sector spanning more than two decades. In addition to his role on the Murra Warra wind farm boards, Dan is a director of Ararat Wind Farm, Bango Wind Farm, Crudine Ridge Wind Farm and Sapphire Wind Farm. Previously Dan has held roles include Vice President of Development for SolarReserve, responsible for the development of utility-scale solar PV and solar thermal projects, and as Manager Sustainable Development for Verve Energy (now Synergy) responsible for developing utility-scale wind farm projects

**Stuart Liddell (Murra Warra II Wind Farm General Manager)** – Stuart is an experienced General Manager with a demonstrated history of working in the renewables industry, particularly wind farms. Stuart is the General Manager for Ararat Wind Farm. Stuart was also the Director of Projects for Repower/Suzlon. Stuart also performs the role of Nonexecutive Director on a number of Windfarm Boards.

**Anthony Berzi (Murra Warra II Wind Farm Construction Director)** – With several years of experience in Project Managing the design, construction and maintenance of Power Generation assets throughout Australia, Anthony is an accomplished Project Management professional (CPPM with AIPM) with an extensive specialisation in both fossil and renewable power generation. Previously working for major corporations such as Siemens and Vestas, Anthony joined RES Australia to lead and manage the construction team in successfully delivering all projects within Australia.

**Tanya Jackson (Murra Warra II Wind Farm Asset Manager)** – Tanya Jackson is responsible for the overall management of the facility including statutory and contractual obligations for safety management, compliance, quality and environmental performance. Tanya is responsible for coordinating day to day operations and ensuring the delivery of scheduled and unscheduled maintenance to maintain plant performance. Tanya has more than 20 years professional experience and has delivered four large scale renewable projects including managing operations for two utility-scale facilities with capacity greater than 200MW wind farms.

- b) If the applicant will employ contractors or agents to assist with the licensed activities, the name of that contractor or agent, details about the experience of the contractor or agent in such operations and details of the processes in place to ensure the contractor or agent complies with the licence conditions, including relevant regulatory obligations**

RES Australia, in its capacity as Construction and Asset Manager, will ensure that during the operation of the wind farm, Murra Warra II Project Co Pty Ltd will have the ability and resources to comply with the licence conditions, codes and guidelines relevant to its application. This will be secured through the Operation & Maintenance and Asset Management contracts to ensure the wind farm can be safely and properly run in compliance with all statutory, legal and Health, Safety and Environment requirements.

Through internal governance and contract provisions, the project has implemented a suite of appropriate risk management, corporate governance and Health, Safety, Quality and Environment policies to ensure that Murra Warra II Project Co Pty Ltd operate the wind farm appropriately. A dedicated plan for Health, Safety, Quality and Environment has been developed and implemented by Aus Safe for the project.

All Contractors will be required to produce evidence that they have appropriate policies in place.

RES Group as project developer and Construction Asset Manager together with Partners Group places great value on quality and environmental management and is proud to have achieved ISO 9001:2015. All RES Group operations for Construction and Asset management will be in compliance with accreditations.

**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, please provide:**

- c) the experience and qualifications of any relevant key employees who will manage those systems and processes;**

**Anthony Berzi (Murra Warra II Wind Farm Construction Director)** – With several years of experience in Project Managing the design, construction and maintenance of Power Generation assets throughout Australia, Anthony is an accomplished Project Management professional (CPPM with AIPM) with an extensive specialisation in both fossil and renewable power generation. Previously working for major corporations such as Siemens and Vestas, Anthony joined RES Australia to lead and manage the construction team in successfully delivering all projects within Australia.

**Tanya Jackson (Murra Warra II Wind Farm Asset Manager)** – Tanya Jackson is responsible for the overall management of the facility including statutory and contractual obligations for safety management, compliance, quality and environmental performance. Tanya is responsible for coordinating day to day operations and ensuring the delivery of scheduled and unscheduled maintenance to maintain plant performance. Tanya has more than 20 years professional experience and has delivered four large scale renewable projects including managing operations for two utility-scale facilities with capacity greater than 200MW wind farms.

**Steph Froggatt (HSE Manager)** – Steph Froggatt is responsible for providing specialist HSE advice and compliance oversight across the RES Australia business, including to the actively expanding RES Australia Construction Management and Asset Management business. Steph is an experienced HSE professional with significant practical experience working on large infrastructure, energy and construction projects in Australia, the United Kingdom, and New Zealand.

**Sam Lumley (Senior Grid Engineer)** – Sam Lumley is a chartered electrical engineer with eight years engineering experience, the last six of which have been spent dedicated to the utility scale renewables segment in Australia. As a Senior Electrical Project Engineer, Sam is responsible for supporting the Construction Project Managers by managing overall program for generator connection studies, registration and commissioning, working closely with EPC contractors, vendors, consultants, NSPs, and AEMO.

**Sam Gard (Energy Markets Operations Manager)** – Sam Gard is a renewable energy engineer responsible for managing the interface between asset site operations, AEMO, NSP’s and RES Australia’s 24/7 Control Centre during construction, commissioning and operation, ensuring operational energy market performance and compliance of assets in accordance with the National Electricity Rules. Sam has a total of 6 years’ experience in renewable energy operations and project management.

**d) If the applicant will engage contractors or agents to assist with the licensed activities, provide the following information**

**(i) the name of that contractor or agent**

RES Australia Pty Ltd (ABN 55 106 637 754)

**(ii) the scope of activities undertaken by the contractor or agent**

Construction and Asset Management of Murra Warra II Wind Farm. Murra Warra II Wind Farm is located approximately 40km North of Horsham, Victoria, and consists of 38 wind turbines, each with a potential rating of 5.5MW. Construction commenced in July 2020 and is expected to commence generating electricity for supply in mid-2022. The electricity generated will be sold into the National Energy Market and be supported by Power Purchase Agreement.

**(iii) details of any formal agreements for the provision of services,**

Agreement	Between parties	Executed date
Construction and Asset Management Agreement	Murra Warra II Asset Co Pty Ltd as trustee for the Murra Warra II Asset Trust and Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust and Murra Warra II Finco Pty Ltd and RES Australia Pty Ltd	29 July 2020
EPC Contract	Murra Warra II Asset Co Pty Ltd as trustee for the Murra Warra II Asset Trust and General Electric International Inc	23 July 2020
O&M Agreement	Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust and General Electric International Inc	23 July 2020



Connection Services Agreement	Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust and AusNet Transmission Group Pty Ltd	19 December 2018
Connection Services Agreement Deed of Variation 1	Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust and AusNet Transmission Group Pty Ltd	21 January 2020
Connection Services Agreement Deed of Variation 2	Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust and AusNet Transmission Group Pty Ltd	10 July 2020
Use of System Agreement for Victorian Transmission Network Services for Murra Warra Terminal Station (Murra Warra II Wind Farm)	Australian Energy Market Operator Ltd and Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust	19 December 2018
Deed of Variation (No1) to Use of System Agreement for Victorian Transmission Network Services for Murra Warra Terminal Station (Murra Warra II Wind Farm)	Australian Energy Market Operator Ltd and Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust	13 February 2020
Deed of Variation (No2) to Use of System Agreement for Victorian Transmission Network Services for Murra Warra Terminal Station (Murra Warra II Wind Farm)	Australian Energy Market Operator Ltd and Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust	9 July 2020
PCCD Side Deed for Murra Warra Interface ( Murra Warra II Wind Farm)	Australian Energy Market Operator Ltd and Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust and AusNet Transmission Group Pty Ltd	19 December 2018
PCCD Side Deed for Murra Warra Terminal Station (Murra Warra II Wind Farm)	Australian Energy Market Operator Ltd and Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust and AusNet Transmission Group Pty Ltd	19 December 2018

Deed of Variation (No1) to PCCD Side Deed for Murra Warra Terminal Station (Murra Warra II Wind Farm)	Australian Energy Market Operator Ltd and Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust and AusNet Transmission Group Pty Ltd	13 February 2020
Deed of Variation (No3) to Project Construction and Co-ordination Deed for Murra Warra Terminal Station and Interface	Australian Energy Market Operator Limited and Murra Warra Project Co Pty Ltd as trustee for Murra Warra Project Trust and Murra Warra II Project Co Pty Ltd as trustee for Murra Warra II Project Trust and AusNet Transmission Group Pty Ltd	13 February 2020
Deed of Accession, Amendment and Restatement to Murra Warra project Construction and Co-ordination Deed	Australian Energy Market Operator Limited and Murra Warra Project Co Pty Ltd as trustee for Murra Warra Project Trust and AusNet Transmission Group Pty Ltd and Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust	19 December 2018

**(iv) details about the experience of the contractor or agent in relation to the activities that it will be undertaking, including any accreditations, and**

Murra Warra II Asset Co Pty Ltd has engaged RES Australia Pty Ltd for the construction, and Murra Warra II Project Co Pty Ltd for the asset management of Murra Warra II Wind Farm.

RES Australia Pty Ltd (ABN: 55 106 637 754) is a subsidiary company of the RES Group and has been established in the Australian market since 2003. RES Australia has over 70 employees with a dedicated Construction/Asset Management team of 24 staff with a combined 19GW of project experience in the Australian and European markets. RES Australia has provided Construction/ Asset Management services to over 1GW of wind and solar projects.

The specialist wind energy team in Australia includes highly experienced professionals in technical, engineering, planning, land management, construction, network connection and commercial areas of wind farm development and construction.

RES Group is one of the world's leading renewable energy developers, with extensive experience in developing, financing, constructing and operating renewable energy infrastructure projects globally across a range of low carbon technologies. At the forefront of renewable generation for nearly 40 years, RES Group has developed and/or constructed more than 140 wind farms and solar PV parks, with a combined capacity totalling over 18GW.

Headquartered in the UK, RES Group is a privately-owned sister company of Sir Robert McAlpine Ltd, a leading UK building and civil engineering company with a 140-year heritage. Its recent projects include the London Olympic Stadium.

RES Group possesses all the skills and experience required to design, develop, build and operate successful wind farms, from choosing sites and designing the project (for maximum power performance and minimum local impact), through the planning and consenting stage (including environmental assessment and financing), right up to the construction and operation of a generating wind farm. We ensure projects are designed to generate power at the most competitive prices.

RES Group is now operating in a number of established and emerging wind energy markets around the world and has one of the largest development portfolios in the industry.

In 2013, RES Australia completed the sale of the permitted 105MW Taralga Wind Farm in New South Wales and in 2015-2017 RES Australia completed the development and provision of construction management services for Ararat Wind Farm Pty Ltd (AWF). This included overseeing all aspects of the wind farm's construction, grid connection, commissioning and early operations, including AWF's corporate compliance, regulatory and financial management. RES Australia is also managing the operations of the 72 MW Emerald Solar Farm in Queensland and the 120MW Bomen Solar Farm. In addition, RES Australia is managing the construction and operations of the 228MW Lal Wind Farm, 226 MW Murra Warra I Wind Farm and 209MW Murra Warra II Wind Farm in Victoria and the construction of the 162MW Columboola Solar Farm.

Further information regarding the RES Group and a list with details of wind farms that are built and under development and RES Australia can be found at <https://www.res-group.com/en>

**(v) details of the processes in place to ensure the contractor or agent complies with the licensee's regulatory obligations.**

RES Australia, in its capacity as Asset Managers, will ensure that during the operation of the wind farm, Murra Warra II Project Co Pty Ltd will have the ability and resources to comply with the licence conditions, codes and guidelines relevant to its application. The Compliance Register has been developed and attached to the submission.

**Attachment reference:**

Compliance Register in Commercial in Confidence – Attachment A04

## **2.2 Risk management**

Provide confirmation and reasonable evidence that the applicant has identified the risks associated with electricity generation and wholesale operations. And that the applicant has established, utilise and rely upon risk management systems and processes which are adequate, accurate and current to address those risks. A copy of the applicant's risk management strategy and confirmation of any accreditation (e.g. AS/NZS ISO 31000:2009) should be provided.

Through internal governance and contract provisions, the project has implemented a suite of appropriate risk management, corporate governance and Health, Safety, Quality and Environment policies to ensure that the Project will construct and operate the wind farm

appropriately. A dedicated plan for Health, Safety, Quality and Environment has been developed and implemented by Aus Safe for the project.

All Contractors will be required to produce evidence that they have appropriate policies in place.

RES Group as project developer and Construction Asset Manager together with Partners Group places great value on quality and environmental management and is proud to have achieved ISO 9001:2015 and ISO 14001:2015 Certification. All operations for Construction and Asset management will be in compliance with these accreditations

RES Australia, in its capacity as Asset Manager, will ensure that during the operation of the wind farm, the Project will have the ability and resources to comply with the licence conditions, codes and guidelines relevant to its application. This will be secured through the operational O&M and Asset Management contracts to ensure the wind farm can be safely and properly run in compliance with all statutory, legal and Health & Safety and Environment requirements.

In addition, RES as the Asset Manager has developed a Risk Management Framework that provides an overall approach to risk management and related governance. It defines the general framework, roles/responsibilities and related processes for risk management and risk control. This document is attached to the submission.

**Attachment reference:**

Compliance Register in Commercial in Confidence – Attachment A04

ISO9001:2015 Certificate – Attachment A05

ISO14001:2015 Certificate – Attachment A06

### **2.3 Registration with the Australian Energy Market Operator**

Please advise if the applicant will apply to register with the Australian Energy Market Operator and provide details of the applicant's registration. If the applicant is not registering with the Australian Energy Market Operator, please provide a reason.

Murra Warra II Project Co Pty Ltd as trustee for Murra Warra II Project Trust has submitted the AEMO Registration Application.

### **2.4 Licences held in other Australian jurisdictions**

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

Murra Warra II Project Co Pty Ltd does not hold any current Generation Licence.

### **2.5 Previous unsuccessful licence applications in other Australian jurisdictions**

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

Murra Warra II Project Co Pty Ltd has not applied for an electricity in another Australian jurisdiction.

## **2.6 Licences held by associates of the applicant**

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

RES Australia has successfully obtained generation licences or the equivalent generation licences under the appropriate local/ state/ national requirements on behalf of the relevant entities for a number of operational wind farms. Further details can be supplied upon request.

## **2.7 Compliance management**

The applicant is required to submit evidence of compliance management which demonstrates how the compliance systems the applicant has (or will have) in place will ensure compliance with all of the relevant regulatory obligations required by the generation and wholesale licence. A copy of the applicant's compliance management strategy and confirmation of any accreditation (e.g. AS ISO 19600:2015) should be provided.

The Project's Compliance obligations will be managed via the Asset Manager's Compliance System – Coswin. Coswin is a Computerized Maintenance Management System (CMMS), used to implement the Standard Works Program.

Coswin is a database of equipment, jobs and job guidelines, contract and subcontractor information. The system links the relevant information and populated obligations to create and manage tasks known as Work Orders. Work Orders are then managed through workflows and different statuses to people in different roles across the Asset Management team to each complete their part in the process. This approach to managing tasks in one system provides greater visibility of compliance and the ability to identify operational efficiencies.

The Coswin System provides a reference library of jobs for both site and office activity, a task management workflow process and an efficient onboarding process for new sites.

As a part of the Coswin set up for Murra Warra II Wind Farm, all relevant regulatory obligations required by the generation and wholesale licence will be populated into the system for ongoing monitoring, management and reporting.

**Attachment reference:** NA

## **2.8 Additional information**

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

All directors of Murra Warra II Project Co Pty Ltd and senior managers within the development and construction/asset management team at RES Australia have significant levels of experience within the renewable energy industry, covering the development, financing, construction and operation of large-scale wind farms and generation connection assets. RES Australia also has considerable experience in managing and meeting the requirements of wind farm generation licence under its asset management capabilities.

Partners Group is a shareholder of the Project and the directors in the Murra Warra II Wind Farm have the necessary skills and experience to manage Murra Warra II Project Co Pty Ltd and ensure it complies with all the requirements of the Licence. The Directors of Murra Warra II Project Co Pty Ltd will be assisted in this by RES Australia who will be undertaking asset management of the Project under the Construction and Asset Management Agreement. RES Australia has extensive experience through its existing portfolio of renewable energy projects both in Victoria and other states across Australia. <https://www.res-group.com/en/portfolio/>

### **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.

Please 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

The construction of the Murra Warra II Wind Farm is being financed through a mixture of debt and equity. On 30th July 2020, RES Group and Macquarie sold their equity interest to Partners Group who will be funding the project construction costs with debt finance of approximately \$A320million from a consortium of Australian and international banks including Societe Generale, ING Bank, MUFG Bank, Industrial and Commercial Bank of China, Sumitomo Mitsui Banking Corporation and Mizuho Bank. Debt financing is provided under a Syndicated Facility Agreement that dictates terms, purpose, monitoring and the conditions of Utilisation.

The windfarm will generate revenues during the operational period through a combination of Power Purchase Agreements and green products sales to the spot market.

Partners Group AG (together with its affiliates, collectively the 'PG Group') is a global private markets investment management firm with over US\$95 billion in investment programs under management in private equity, private debt, private real estate and private infrastructure. It manages a broad range of investment programs and customised portfolios for over 1,000 institutional investors worldwide such as pension funds, insurance companies and sovereign wealth funds. The PG Group has invested directly in more than 450 businesses globally in sectors such as healthcare, consumer, media and telecommunications, IT, industrials, infrastructure, energy and utilities, financial services and real estate.

The PG Group is headquartered in Zug, Switzerland with its head office located at Zugerstrasse 57, 6341 Baar, Switzerland. It has 20 offices around the world and employs over 1,500 people. Its holding company, Partners Group Holding AG, is listed on the SIX Swiss Exchange since 2006 with the majority of the shares in Partners Group are held by employees and partners, as detailed in its 2019 Annual Report at <https://www.partnersgroup.com/en/shareholders/corporate-reports/annual-reports/>

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.

Murra Warra II Project Co Pty Ltd as trustee for the Murra Warra II Project Trust will be registered as a Market Generator with AEMO.

## Suitability of applicant to hold a licence

*The applicant must answer all questions in this section.*

### 4. Fit and proper person

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,

No

(ii) had their affairs placed under administration,

No

(iii) been disqualified from managing a company,

No

(iv) been subject to debt judgements, or

No

(v) insolvency proceedings (including any administration, liquidation or receivership in connection with the affairs of a company)?

No

If yes, provide details:

NA

- 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 limited to, the Competition and Consumer Act 2010 (Cth), Corporations Act 2001 (Cth), or the Australian Securities and Investments Commission Act 2001 (Cth))?

No

If yes, provide details: NA

- 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?

No

If yes, provide details: NA

- d) 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?

No

If yes, provide details: NA

- e) Please provide any other information the applicant considers relevant to the commission's fit and proper person assessment.

NA

#### Additional information

Please answer the following questions and, where the answer to any question is "no", 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 – no further details available

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

No – no further details available

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

Yes

*(attach additional pages if necessary)*

## 5. Commission objectives

*The applicant must answer all questions in this section.*

In deciding whether to grant or refuse a licence application, the commission must consider its objectives under the Electricity Industry Act and/or Gas Industry Act and the Essential Services Commission Act (ESC Act).

Our objective under the Essential Services Commission 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.

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

- Section 8 of the Essential Services Commission Act (also see s 8A of the Essential Services Commission Act),
- Section 10 of the Electricity Industry Act, and/or
- Section 18 of the Gas Industry Act.

The objectives of the Murra Warra II Wind Farm are aligned with the ESC's stated objectives as discussed below.

### ESSENTIAL SERVICES COMMISSION ACT 2001

- **SECTION 8**  
**Objective of the Commission**  
*(1) In performing its functions and exercising its powers, the objective of the Commission is to promote the long-term interests of Victorian consumers.*  
  
*(2) Without derogating from subsection (1), in performing its functions and exercising its powers in relation to essential services, the Commission must in seeking to achieve the objective specified in subsection (1) have regard to the price, quality and reliability of essential services.*
- **SECTION 8A**  
**Matters which the Commission must have regard to:**  
*(1) In seeking to achieve the objective specified in section 8, the Commission must have regard to the following matters to the extent that they are relevant in any particular case -*  
  
*(a) efficiency in the industry and incentives for long term investment*

Murra Warra II Wind Farm will contribute towards the protection of long-term interests of Victorian energy consumers with regard to long-term price stability and reliability of electricity. Wind is an abundant natural resource of free clean energy that can be transformed into electricity with proven technology at competitive prices. In addition, wind power generation is not subject to fuel price fluctuations and is not subject to future carbon constraints which may come into force through national and international greenhouse gas abatement programs. Therefore, the costs involved with wind energy generation are known in advance of construction and provides more stability in the market.

In terms of quality, the Murra Warra II Wind Farm will be subject to strict technical requirements imposed by AEMO and SP AusNet for connection to the electricity grid. In the case of project reliability, equipment availability and operation and maintenance capabilities have been carefully considered prior to the award of equipment supply contracts for Murra Warra II Wind Farm.

RES Australia is confident that with the high quality of the wind resource at the Murra Warra II Wind Farm, the project is very competitive in terms of total capital investment versus expected energy yield.

***(b) the financial viability of the industry***

Wind energy is a core plank of the Victorian Government's 2017 Renewable Energy Action Plan and Post-Covid-19 Economic Recovery Measures that support emissions reductions and improve environmental outcomes released by Environment Victoria in April 2020. The Government is committed to re-establishing Victoria as a leader in renewable energy and, under the Action Plan, will implement supportive policies to provide the renewable energy sector the confidence needed to invest in the projects and jobs that are crucial to the State's future and energy security.

In July 2017, the Victorian Government committed to Victorian renewable energy generation targets of 25 per cent by 2020 and 40 per cent by 2025. At a potential installed capacity of 209MW, Murra Warra II Wind Farm will deliver a significant contribution to meeting these targets.

***(c) the degree of, and scope for competition within the industry, including countervailing market power and information asymmetries***

Murra Warra II Wind Farm will increase market competition in the NEM as wind energy, on a \$/MWh basis, is competitive with new build fossil fuel generation and has the effect of suppressing wholesale electricity prices in the NEM.

***(d) the relevant health, safety, environmental and social legislation applying to the industry***

Renewable energy offers significant environmental and economic benefits, and every project builds towards a more sustainable clean global energy future. Partners Group AG as the Project Owners and RES Australia as Construction and Asset Manager are committed to achieving commercial success without compromising the highest ethical or environmental standards.

Murra Warra II Wind Farm complies with all relevant Health, Safety and Environment policies and contractors engaged in construction and maintenance activities for the wind farm have been required to have the appropriate Health, Safety and Environment policies in place. A dedicated Health, Safety and Environment policy has been developed for the Project and its contents incorporated into the Principal Contractor's on-site health, safety and environmental policies and procedures.

***(e) the benefits and costs of regulation (including externalities and the gains from competition and efficiency)***

Wind energy is an efficient and competitive way to ensure long-term price stability for electricity. On a \$/MWh basis it is competitive with new build fossil fuel generation, there is no fuel price risk and no penalty risk from any future carbon pricing scheme. Combined with the effect of increasing competition in the NEM market and suppressing wholesale prices, consumers will benefit from increased penetration of renewable energy in the NEM and wind farms such as Murra Warra II Wind Farm.

## ELECTRICITY INDUSTRY ACT 2000

- SECTION 10  
Objectives of the Commission

The objectives of the Commission under this Act are

***(a) to the extent that it is efficient and practicable to do so, to promote a consistent regulatory approach between the electricity industry and the gas industry; and***

NA

***(b) to promote the development of full retail competition; and***

Murra Warra II Wind Farm will increase market competition in the NEM as wind energy, on a \$/MWh basis, it is competitive with new build fossil fuel generation and has the effect of suppressing wholesale electricity prices in the NEM.

***(c) to promote protections for customers, including in relation to assisting customers who are facing payment difficulties***

Wind energy is an efficient and competitive way to ensure long-term price stability for electricity. On a \$/MWh basis it is competitive with new build fossil fuel generation, there is no fuel price risk and no penalty risk from any future carbon pricing scheme. Combined with the effect of increasing competition in the NEM market and suppressing wholesale prices, consumers will benefit from increased penetration of renewable energy in the NEM and wind farms such as Murra Warra II Wind Farm.