

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

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.

Name: Wangaratta Solar Farm Pty Ltd

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.).

ABN: 25 608 644 435

ACN: 608 644 435

Type of entity: Private limited company

1.3 Contact details and address of the applicant

The Applicant	
Business address: Level 9, 213 Miller Street, North Sydney	
State: NSW	Post code: 2060
Postal address (if different):	

State:	Post code:
Full name of contact person: Adrian Mitchell	
Position title: General Manager, Legal & Commercial	
Telephone: <input type="text"/>	Mobile: <input type="text"/>
E-mail: <input type="text"/>	

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: A – corporate structure – commercial-in-confidence

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

Attachment reference: B – CleanPeak organization capability statement – commercial-in-confidence

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: 1 July 2022

Type of generation: Solar

Expected name plate capacity: 33MWh dc

Location of generation facility: 44 Coleman Road, North Wangaratta VIC 3678

Details of how the generator will be connected to the network: The generator has a Connection Services Agreement with AusNet Electricity Services Pty Ltd (AusNet), and will connect into AusNet's distribution network at the Glenrowan Sub-station.

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);
- 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

See attachment B for the industry knowledge and experience of the human resources available to the applicant.

The applicant will operate the solar farm and will be the party primarily responsible for managing the licensed activities. The applicant has employed or will employ contractors for the design of the solar farm and its construction and maintenance, details of which are included in the next section.

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;
- 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
- (ii) the scope of activities undertaken by the contractor or agent
- (iii) details of any formal agreements for the provision of services,
- (iv) details about the experience of the contractor or agent in relation to the activities that it will be undertaking, including any accreditations, and
- (v) details of the processes in place to ensure the contractor or agent complies with the licensee's regulatory obligations.

The applicant is not relying on any third party to provide staff and/or resources to meet the technical capacity requirements of the license.

The applicant is using the following contractors for the design of the solar farm to ensure that it meets the requirements of the Australian Energy Market Operator (AEMO) and Connection Services Agreement with AusNet:

- (i) **CTP**
 - (ii) **Full design of the solar facility up to the connection point at the 33kVa panel of the Substation (DC & MV AC Detailed Design)**
 - (iii) **Design Package (Early Works), executed September 2021**
 - (iv) **Established in 2011, CTP has provided engineering services for more than 2.5GW of clean energy and 250MWh of energy storage projects through all stages of the project lifecycle. Examples of recent experience include;**
 - a. **Glenrowan West Solar Farm (149 MWp PV) – VIC (AusNet Services)**
 - b. **Melbourne Airport Solar Farm (12.2 MWp) – VIC (Jemena)**
 - c. **Maryrorough Solar Farm (34.5 MWp) – QLD (Ergon Energy)**
 - d. **Chinchilla Baking Board Solar Farm (19.9MWp) – QLD (Ergon Energy)**
 - (v) **CTP are a nationally experienced engineering consultancy and shall design to all Australian Standards and service installation rules.**
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- (i) **Node**
 - (ii) **Electrical engineering services in support of the project's GPS update under the s5.3.9 variation process and registration studies through to the completion of the R2 commissioning process**
 - (iii) **Wangaratta Solar Farm GPS Update Registration Studies, executed November 2020**
 - (iv) **A specialist consultancy group headed by Elizabeth Maina. To date Elizabeth has been involved in over 5GW of grid connected renewable projects in the NEM. She has supported the GPS Development, Registration and Commissioning of more than 30 projects across the NEM that have come online or undergoing registration and commissioning a snapshot of which include,**

GPS Development	Registration & Commissioning
250MW Rodds Bay solar farm (QLD)	220MW Bungala solar farm (SA)
100MW Gunnedah solar farm (NSW)	78MW Emerald solar farm (QLD)
530MW Stockyard Hill wind farm (VIC)	88MW Wemen solar farm (VIC)
100MW Bomen solar farm (NSW)	320MW Moorabool wind farm (VIC)
168MW Musselroe solar farm (TAS) •	420MW Macarthur wind farm (VIC)

and

- (v) **All work must be completed to the satisfaction of AEMO and AusNet as DNSP**

- (i) **PowerNet Constructions**
- (ii) **EPC contract for the delivery of the Wangaratta Substation and Switchyard.**
- (iii) **An EPC contract is currently under negotiation**
- (vi) **PowerNet is one of 5 approved Stations Installation Services Providers contractors approved by AusNet. Recent projects include;**
 - a. **Glenrowan terminal station upgrade**
 - b. **WKPS upgrade**
 - c. **WOTS REFCL & 22kV upgrade**
- (vii) **The substation and switchyard must be built in accordance with engineering, design and procurement requirements specified by AusNet as DNSP. PowerNet has subcontracted the complete substation design all design work to AECOM. AECOM are a globally experienced engineering consultancy, endorsed by AusNet for compliance with all Australian Standards and service installation rules.**

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.

The applicant is part of the CleanPeak Energy group that operates a significant number of rooftop solar systems serving customers in the corporate and industrial segments. CleanPeak Energy has developed these solar systems, utilizing appropriate professionals for their design and construction. The broader group also has experience with wholesale operations, as CPE Mascot is accredited with AEMO as a small generation aggregator for the purpose of trading energy from battery storage systems, and has for a number of years also participated in the

short-term trading market to procure gas supply.

Attachment reference: C – Risk Management Plan – commercial-in-confidence

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.

The applicant registered with AEMO as an Intending Participant on 31 March 2017. The applicant applied for registration with AEMO as a Generator on 6 April 2018.

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.

The applicant does not hold, nor has it ever held, electricity or gas licences in other Australian jurisdictions.

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.

The applicant has never applied for electricity or gas licences in other Australian jurisdictions.

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.

CleanPeak Energy Retail Pty Ltd, an associate of the applicant, holds a retail electricity authorization issued by the Australian Energy Regulator. CleanPeak Energy Pty Ltd, the ultimate holding company of the applicant and under a Services Agreement with CPE Funding Pty Ltd as trustee for the CleanPeak Energy Funding No 1 and No 2 Unit Trusts, also manages the licences held by entities owned by CPE Funding Pty Ltd, being CPE Mascot Pty Ltd (AER retail electricity authorization) and CPE Tonsley Pty Ltd (electricity generation and distribution licence and gas distribution licence, both issued by the Essential Services Commission of South Australia).

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.

CleanPeak Energy operates electricity generation assets in Victoria, New South Wales, Queensland, the Australian Capital Territory, South Australia and Western Australia. Companies within the broader CleanPeak Energy group are regulated by the Australian Energy Regulator, the Essential Services Commission of South Australia, and the Environmental Protection Authority of New South Wales, among others. It has systems and processes in place, and personnel responsible for ensuring compliance, to ensure that the group complies with all relevant regulatory obligations. It will use its experience and personnel to ensure that the applicant complies with the relevant regulatory obligations required by the generation and wholesale licence.

Attachment reference: D- Compliance management policy – commercial-in-confidence

2.8 Additional information

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

CleanPeak Energy personnel have considerable experience in developing, financing, constructing and operating solar generation assets and meeting conditions of the various regulatory authorities that have issued licences for their operation. The design of the Wangaratta Solar Farm is being handled by experienced designers of utility scale solar farms. The process of registration of that design with AEMO, and being able to meet the standards required for generation and connection to the grid, will ensure that the farm meets its technical requirements while delivering fully renewable energy to the grid.

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
- 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 applicant is financially viable and has the financial resources to sustainably operate the electricity generation facilities.

The applicant will be a registered market participant with the Australian Energy Market Operator for its electricity generation activities, and subject to the prudential requirements under the National Electricity Rules, once its application for registration as a generator is approved.

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,
 - (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)?

No.

If yes, provide details:

Not applicable.

- 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:

Not applicable.

- 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:

Not applicable.

- 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:

Not applicable.

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

The applicant is part of a group that owns and operates electricity generation assets across most states and territories in mainland Australia. In doing so, it has obtained and complied with requirements of the AER, AEMO and the Essential Services Commission of South Australia, among others. Its directors or officers have a track record of managing the business in compliance with applicable laws.

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, the applicant is managed by its board of directors.

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

No – no further detail 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 Wangaratta Solar 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.

The applicant considers that the granting of the licence will be consistent with this section. The applicant is part of a group that plans to take its customers to 100% renewable energy by 2025, and the development of the Wangaratta Solar Farm is a key part of being able to achieve this ambition. The farm will be built to and required to operate in compliance with AEMO's and AusNet's standards for a grid-connected generator.

• 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

Wangaratta Solar Farm is a project being delivered by the private sector as part of an efficient, market-driven response to the changing electricity landscape in Australia. It will contribute

towards the protection of long-term interests of Victorian energy consumers with regard to long-term price stability and reliability of electricity. The solar farm will have a long-term operating life maintaining efficient energy production. The Wangaratta Solar Farm will be subject to strict technical requirements imposed by AEMO and AusNet for connection to the electricity grid.

(b) the financial viability of the industry

Solar energy is a feature of the Victorian Government's 2017 Renewable Energy Action Plan. The Victorian 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. The Wangaratta Solar Farm will contribute to Victoria meeting its target of providing a reliable and resilient electricity supply with an increasing renewable energy mix.

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

Wangaratta Solar Farm will increase market competition in the NEM as solar energy is competitive with new build fossil fuel generation and will maintain competitive pressure on wholesale electricity prices in the NEM.

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

The applicant is committed to achieving compliance with all applicable laws. The construction and operation of Wangaratta Solar Farm will comply with all relevant health, safety and environmental legislation.

(e) the benefits and costs of regulation (including externalities and the gains from competition and efficiency) for (i) consumers and users of products or services (including low income and vulnerable consumers; (ii) regulated entities

Solar energy is an efficient and competitive way to ensure long-term price stability for electricity. The Wangaratta Solar Farm is an efficient investment considering consumer energy demand and government policy (both State and Federal) regarding the need to source renewable energy generation in the grid.

ELECTRICITY INDUSTRY ACT 2000

• SECTION 10

Objectives of the Commission

The objectives of the Commission under this Act are

...

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

Wangaratta Solar Farm will increase market competition in the NEM as solar energy provides a competitive and sustainable alternative to fossil fuel generation and increases downward pressure on wholesale electricity prices in the NEM.

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

Solar energy is an efficient and competitive way to ensure long-term price stability for electricity. Ultimately, lower energy prices are likely to see a corresponding reduction in the number of consumers facing payment difficulties.

6. Statutory declaration

That all information provided in this application for the issue of an electricity retail licence is true and correct 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 (Vic).

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

The statutory declaration must address the following:

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


I **Philip Graham**, of Level 9, 213 Miller Street, North Sydney NSW 2060 make the following statutory declaration under the Oaths and Affirmations Act 2018 (Victoria):

- 1) That I am the director of Wangaratta Solar Farm Pty Ltd
- 2) The information provided in the attached application to the Essential Services Commission for an electricity generation and wholesale 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.

I make it knowing that making a statutory declaration that I know to be untrue is an offence.

Date: 20 April 2022

Signature:

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

Declared at: Sydney on 20 April 2022

Witness

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



.....
[signature of authorised statutory declaration witness]

on 20 April 2022

Adrian Scott Mitchell, of Level 9, 213 Miller Street, North Sydney NSW 2060

Solicitor of the Supreme Court of New South Wales

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