



Electricity

**Licence**



## **Electricity Generation Licence**

Starfish Hill Wind Farm Pty Ltd

ACN 099 761 261

Issued by the South Australian Independent Industry Regulator on 29 January 2002.

Last varied by the Essential Services Commission on 16 October 2019.

## Variation history

Amendment number	Variation date	Reason	
1 (SAIIR)	29/1/2002		
ESCOSA02	1/5/2004		
ESCOSA03	1/12/2007		
ESCOSA04	16/10/2019	Licence varied to reflect amendments to the Act and update outdated references.	

# 1 Definitions and interpretation

- 1.1 Words appearing in bold like **this** are defined in part 1 of the schedule.
- 1.2 This licence must be interpreted in accordance with the rules set out in part 2 of the schedule.

# 2 Grant of licence

- 2.1 The **Licensee** is licensed under Part 3 of the **Act**, and subject to the conditions set out in this licence, to generate electricity at the generating plant listed in the Annexure.

# 3 Term

- 3.1 This licence commences on the date it is issued and continues until:
- (a) it is surrendered by the **Licensee** under section 29 of the **Act**; or
  - (b) it is suspended or cancelled by the **Commission** under section 37 of the **Act**.

# 4 Access

- 4.1 The **Licensee** must:
- (a) in accordance with, and to the extent required by, the **Electricity Transmission Code**, grant to an **electricity entity** holding a **transmission licence** or a **distribution licence**, rights to use, or have access to, those parts of the **Licensee's** electricity generating plant that are interconnected or interface with the **electricity entity's** assets for the purpose of ensuring the proper integrated operation of the South Australian power system and the proper conduct of the operations authorised by that **electricity entity's** **transmission licence** or **distribution licence**; and
  - (b) in the absence of agreement as to the terms on which such rights are to be granted, comply with a determination of the **Commission** as to those terms.

# 5 Dispute resolution

- 5.1 A dispute relating to the granting of rights to use or have access to the inter-connecting assets of the **Licensee's** generating plant referred to in clause 4 shall be resolved in accordance with a **Code** developed by the **Commission** for the resolution of disputes.
- 5.2 Clause 5.1 does not apply to the extent the dispute is subject to resolution in accordance with or under the **National Electricity Rules**.

# 6 Compliance with codes

- 6.1 The **Licensee** must:
- (a) comply with all applicable provisions of the **Electricity Transmission Code**, the **Electricity Distribution Code** and the **Electricity Metering Code**;
  - (b) comply with any other **Code** or **rule** made by the **Commission** from time to time, relevant to the **Licensee**; and

- (c) notify the **Commission** if it commits a material breach of the **Electricity Transmission Code**, the **Electricity Distribution Code** or the **Electricity Metering Code** within 3 days after becoming aware of that breach.

## 7 Safety, reliability, maintenance and technical management plan

7.1 The licensee must:

- (a) prepare, maintain and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by **regulation**;
- (b) obtain the approval of the **Technical Regulator**:
  - (i) to the plan (prior to commencement of the operation of the electricity generating plant to which the plan relates); and
  - (ii) to any revision of the plan;
- (c) comply with the plan as approved from time to time in accordance with clause 7.1(b); and
- (d) undertake audits of its compliance with the plan from time to time and report the results of those audits to the **Technical Regulator**, in the form required by the **Technical Regulator**.

## 8 System controller and AEMO

8.1 The Licensee must, following a request from **AEMO**, provide to **AEMO** such documents and information as **AEMO** may reasonably require for the performance of its functions under the **Act**.

8.2 The Licensee must comply with any directions given to it by the **System Controller**.

## 9 Information to the Commission

9.1 The Licensee must, from time to time, provide to the **Commission**, in a manner and form determined by the **Commission**:

- (a) details of the Licensee's financial, technical and other capacity to continue the operations authorised by this licence; and
- (b) such other information as the **Commission** may require from time to time.

9.2 The Licensee must notify the **Commission** of any changes to its **officers**, and (if applicable) major shareholders, within 30 days of that change.

## 10 Operational and compliance audits

10.1 The Licensee must undertake periodic audits of the operations authorised by this licence and of its compliance with its obligations under this licence and any applicable Codes in accordance with the requirements of Electricity Industry Guideline No. 4 issued by the **Commission**.



- 10.2 The Licensee must also conduct any further audits at a frequency and in a manner approved by the Commission.
- 10.3 The results of audits conducted under this clause must be reported to the Commission in a manner approved by the Commission.
- 10.4 The Commission may require the licensee to use an independent expert approved by the Commission to conduct audits under this clause.

## 11 Confidentiality

The Licensee must, unless otherwise required by law, this licence, a Code, or the National Electricity Rules, comply with any rules made by the Commission from time to time relating to the use of information acquired by the Licensee in the course of operating the business authorised by this licence.

## 12 Community service

- 12.1 The Licensee must comply with the requirements of any scheme approved and funded by the Minister for the provision by the State of customer concessions or the performance of community service obligations by the electricity entities.

## 13 Compatibility

- 13.1 The Licensee must not do anything to its electricity generating plant affecting the compatibility of its electricity generating plant with any distribution network or transmission network so as to prejudice public safety or the security of the power system of which the electricity generating plant forms a part.

## 14 Insurance

- 14.1 The Licensee must maintain during the term of this licence insurance against liability for causing bush fires. The Licensee must provide to the Commission a certificate of the insurer or the insurance broker by whom the insurance was arranged (in a form acceptable to the Commission) to the effect that such insurance is adequate and appropriate, given the nature of the operations conducted under this licence and the risks associated with those operations.

## 15 Compliance with laws

- 15.1 The Licensee must comply with all applicable laws including, but not limited to, any technical or safety requirements or standards contained in regulations made under the Act.

## 16 Switching Manual

- 16.1 The licensee must:
- (a) prepare and maintain an internal switching manual in accordance with the regulations; and
  - (b) comply with any other requirements relating to switching prescribed in the regulations.

## 17 Variation

- 17.1 This licence may only be varied in accordance with section 27 of the Act.

## 18 Transfer

- 18.1 This licence may only be transferred in accordance with section 28 of the Act.

This licence was issued by the **Industry Regulator** on 29 January 2002 and last varied by the **Commission** on 1 May 2004 and 16 October 2019, transferred from Tarong Energy Corporation Ltd (ACN 078 848 736) on 1 December 2007 pursuant to a decision of the **Commission**.

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ESSENTIAL SERVICES )  
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COMMISSION and in the )  
presence of: )



*Paul R. Rouse*.....

Commissioner

*16 October 2019*.....

Date

# Schedule: Definitions and Interpretation

## 1. Definitions

In this licence:

**Act** means the *Electricity Act 1996* (SA);

**AEMO** means the Australian Energy Market Operator Ltd (ACN 072 010 327)

**business day** means a day on which banks are open for general banking business in Adelaide, excluding a Saturday or Sunday;

**Code** means any code made by the **Commission** under section 23 of the **ESC Act** from time to time;

**Commission** means the Essential Services Commission established under the **ESC Act**;

**distribution licence** means a licence to operate a **distribution network** granted under Part 3 of the **Act**;

**distribution network** has the meaning given to that term under the **Act**;

**Electricity Distribution Code** means the code of that name made by the **Commission** under section 28 of the **ESC Act** which regulates connections to a **distribution network** and the supply of electricity by distributors;

**electricity entity** means a person who has been granted a licence under Part 3 of the **Act** to carry on operations in the electricity supply industry;

**Electricity Metering Code** means the code of that name made by the **Commission** under section 28 of the **ESC Act** which regulates the installation, maintenance and testing of meters;

**Electricity Transmission Code** means the code of that name made by the **Commission** under section 28 of the **ESC Act**;

**ESC Act** means the *Essential Services Commission Act 2002* (SA);

**generator** means a holder of a licence to generate electricity granted under Part 3 of the **Act**;

**Industry Regulator** means the South Australian Independent Industry Regulator under the **Industry Regulator Act**;

**Industry Regulator Act** means the *Independent Industry Regulator Act 1999* (SA);

**Licensee** means Starfish Hill Wind Farm Pty Ltd (ACN 099 761 261);

**Minister** means the person who is responsible for the administration of the **Act**;

**National Electricity Law** means the *National Electricity Law* referred to in the *National Electricity (South Australia) Act 1996* (SA);

**National Electricity Rules** has the meaning given to that term in the **National Electricity Law**;

**officer** means a director or secretary;

**regulation** means a regulation made under the **Act**

**rule** means any rule, made by the **Commission** under section 28 of the *Essential Services Commission Act*, as in force from time to time;



**System Controller** means the person (if any) licensed under Part 3 of the **Act** to exercise system control over the power system of which the **Licensee's** electricity generating plant forms a part;

**Technical Regulator** means the person holding the office of Technical Regulator under Part 2 of the **Act**;

**transmission licence** means a licence to operate a **transmission network** granted under Part 3 of the **Act**; and

**transmission network** has the meaning given to that term under the **Act**.

## 2. Interpretation

In this licence, unless the context otherwise requires:

- (a) headings are for convenience only and do not affect the interpretation of this licence;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- (e) a reference to any statute, regulation, proclamation, order in council, ordinance or by-law includes all statutes, regulations, proclamations, orders in council, ordinances or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws and determinations issued under that statute;
- (f) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- (g) an event which is required under this licence to occur on or by a stipulated day which is not a **business day** may occur on or by the next **business day**.

## ANNEXURE

1. Starfish Hill wind farm



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