Electricity

Licence

Electricity Generation Licence

Enwave Tonsley Pty Ltd

ACN 623 288 175

Issued by the Essential Services Commission on 12 June 2019.

Variation history

Amendment number	Variation date	Reason

1 Definitions and interpretation

1.1 Words appearing in bold like **this** are defined in Part 1 of Schedule 1.

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 using the **electricity generating plant** as specified in the Annexure.

3 Term

3.1 This licence commences on the date it is issued and continues until it is:

(a) surrendered by the **licensee** under section 29 of the **Act**; or

(b) suspended or cancelled by the **Commission** under section 37 of the **Act**.

4 Fees

4.1 The **licensee** must pay the applicable licence fees in accordance with section 20 of the **Act**.

5 Access

5.1 The **licensee** must:

(a) in accordance with, and to the extent required by, the **Electricity Transmission Code**, grant to a **network service provider**, rights to use, or have access to, those parts of the **licensee's electricity generating plant** that are interconnected or interface with the **network service provider'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 the **network service provider'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.

6 Dispute resolution

6.1 A dispute relating to the granting of rights to use or have access to the interconnecting assets of the **licensee's electricity generating plant** referred to in clause 5 shall be resolved in accordance with any applicable **industry code** developed by the **Commission** for the resolution of disputes.

6.2 Clause 6.1 does not apply to the extent the dispute is subject to resolution in accordance with or under the **National Electricity Rules**.

7 Compliance with Codes

7.1 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 all applicable provisions of any other **industry code** or **rule** made by the **Commission** from time to time; 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.

8 Safety, reliability, maintenance and technical management plan

8.1 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 in accordance with clause 8.1(b);

(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**.

9 Switching manual

9.1 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**.

10 National electricity market

10.1 The **licensee** must hold and comply with the conditions of any registration required under the **National Electricity Rules** granted by **AEMO** (or the person responsible for the granting of such registrations under the **National Electricity Law** or the **National Electricity Rules**) at all times that such registration is required for the operations authorised by this licence.

11 Information to AEMO

11.1 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.

12 System controller

12.1 The **licensee** must comply with any directions given to it by the **System Controller**.

13 Information to the Commission

13.1 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.

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

14 Operational and compliance audits

14.1 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 **industry codes** in accordance with the requirements of any applicable guideline issued by the **Commission** for this purpose.

14.2 The **licensee** must also conduct any further audits at a frequency and in manner approved by the **Commission**.

14.3 The results of audits conducted under this clause must be reported to the **Commission** in a manner approved by the **Commission**.

14.4 The **Commission** may require the licensee to use an independent expert approved by the **Commission** to conduct audits under this clause.

14.5 The **Commission** may require the costs of using an independent expert approved by the **Commission** to conduct audits under this clause to be met by the **licensee**.

15 Confidentiality

15.1 The **licensee** must, unless otherwise required by law, this licence, an **industry 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.

16 Community service

16.1 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**.

17 Compatibility

17.1 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.

18 Insurance

18.1 The **licensee** must undertake and maintain during the term of this licence insurance against liability for causing bush fires.

18.2 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 **licensee's** activities conducted under this licence and the risks associated with those activities.

19 Compliance with laws

19.1 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**.

20 Variation

20.1 This licence may only be varied in accordance with section 27 of the **Act**.

21 Transfer

21.1 This licence may only be transferred in accordance with section 28 of the **Act**.

This licence was issued by the **Commission** on 12 June 2019.

The **COMMON SEAL** of the)
ESSENTIAL SERVICES)
COMMISSION of South)
Australia was hereunto)
affixed by authority of the)
ESSENTIAL SERVICES)
COMMISSION and in the)
presence of:)

.....

Commissioner

12 June 2019

Date

Schedule: Definitions and Interpretation

Part 1 – Definitions

In clauses 1 to 21 (inclusive) of 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.

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 generating plant includes all **generating units** and all other equipment involved in generating electrical energy authorised to be operated by the **licensee** under this licence.

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.

generating unit has the same meaning given to the term under the **National Electricity Rules.**

industry code means any code made by the **Commission** under section 28 of the **ESC Act** from time to time.

licensee means Enwave Tonsley Pty Ltd (ACN 623 288 175).

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

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

network service provider means the holder of a **distribution licence** or a **transmission licence** (as the case may be) issued by the **Commission** under Part 3 of the **Act**.

rule means any rule issued by the **Commission** under section 28 of the **ESC Act**.

System Controller means the person licensed under Part 3 of the **Act** to exercise system control over a power system.

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**.

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

Part 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 bylaw 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; and

(h) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns.

ANNEXURE

To operate a solar generating plant consisting of 20,412 x Trina Solar 315W panels with an export capacity of 4.96 megawatts, located at Clovelly Park.

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