



Electricity

Application form for the issue of an  
Electricity Generation Licence  
On Grid – from 100kVA < 5MW

by the Essential Services Commission of SA under the  
*Electricity Act 1996*

April 2021

OFFICIAL

Enquiries concerning this form should be addressed to:

Essential Services Commission  
GPO Box 2605  
Adelaide SA 5001

Telephone: (08) 8463 4444  
Freecall: 1800 633 592 (SA and mobiles only)  
E-mail: [escosa@escosa.sa.gov.au](mailto:escosa@escosa.sa.gov.au)  
Web: [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au)

# Table of contents

Glossary of terms.....	iii
Licence requirements and conditions .....	1
Generation operations which require a licence.....	1
Mandatory licence conditions.....	1
Variation of licence conditions.....	2
Annual licence fees .....	2
How to apply for a generation licence.....	2
Use of this form and applicant's responsibilities .....	3
Application fees.....	3
How to lodge an application .....	4
Consultation and confidentiality.....	4
Further information .....	4
Licence application form .....	5
1 The Applicant.....	5
1.1 Identity of applicant.....	5
1.2 Legal identity of applicant .....	5
1.3 Address and contact details of applicant.....	5
1.4 Contact person on behalf of applicant .....	6
1.5 Contact person for compliance matters and reporting.....	6
1.6 Contact person for licence fees .....	7
1.7 Diagram of corporate or other structure.....	7
2 The Licence .....	8
2.1 Nature and scope of operations for which licence is sought .....	8
2.2 Licensing of electricity entities .....	8
3 Suitability of applicant to hold a licence .....	9
3.1 Names and addresses of the officers of applicant .....	9
3.2 Names and addresses of major shareholders of applicant .....	9
3.3 Details of the group members.....	10
3.4 Additional information .....	10
3.5 Quality of electricity produced/connection agreement.....	11
3.6 Development Act approval .....	11
3.7 Registration with Australian Energy Market Operator (AEMO) .....	12
3.8 Licences held by the applicant in other Australian jurisdictions. ....	12
3.9 Previous unsuccessful licence applications in other Australian jurisdictions.....	13
3.10 Licences held by associates of the applicant .....	13

3.11	Additional information .....	13
4	Declaration .....	14

## Glossary of terms

Commission	Essential Services Commission, established under the <i>Essential Services Commission Act 2002</i>
<i>ESC Act</i>	<i>Essential Services Commission Act 2002</i>
Treasurer	Treasurer for the South Australian Government
Minister	Minister for Energy and Mining
Regulator	Technical Regulator



## Licence requirements and conditions

It is essential that licence applicants read the Essential Services Commission's (**Commission**) Advisory Bulletin No 4 – "*Licensing Arrangements for the Electricity and Gas Supply Industries*" before they fill out this form. This Bulletin is available on the Commission website [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au) under electricity/licensing.

### Generation operations which require a licence

Section 15(2)(a) of the *Electricity Act 1996* (**Electricity Act**)<sup>1</sup> is explicit in that it requires a person that carries on the operation of the generation of electricity to hold a licence. This requirement applies to all generators with the exception of a generator that can rely on:

- ▶ one of the statutory exemptions specified in the Electricity (General) Regulations 1997 (**Regulations**) outlined below
- ▶ an individual exemption issued by the Commission (with the approval of the Minister) pursuant to section 80(1) of the Electricity Act, or
- ▶ an exemption made by Governor under a regulation pursuant to section 98(2)(e) of the Electricity Act.

Pursuant to Regulations 6(1) and (2), the following generators are exempt from the requirement to hold a generation licence:

- ▶ a generator whose generating plant has a rated nameplate output of 100kVA or less
- ▶ a generator that does not supply electricity for reward to or by means of a transmission or distribution network
- ▶ a generator that generates electricity for the sole consumption of that generator or a designated body (such bodies must be designated by the Minister<sup>2</sup>), or
- ▶ a generator that generates electricity for a person at a premises occupied or used by the person as a tenant or licensee (whether directly or indirectly) of the generator (or a designated body) where that person is not charged for the supply of electricity except by a licensed retailer/generator or as an unspecified part of rent or charges for the occupation or use of the premises.

It is important for generators (or proposed generators) to carefully consider whether they can rely on a statutory exemption from the requirement to be licensed. If the reliance on a statutory exemption is queried by the Commission, the onus to provide evidence that a particular exemption can be relied upon is on the relevant generator.

In addition, in the event that the operations of a generator change so that it can no longer rely on one of the three exemptions specified above, it will need to apply to the Commission for a generation licence immediately in order to continue those operations.

### Mandatory licence conditions

Sections 21(1) and 22 of the Electricity Act requires the Commission to place certain mandatory conditions in generation licences. The Commission strongly recommends that applicants review

---

<sup>1</sup> Available at <https://www.legislation.sa.gov.au/LZ/C/A/ELECTRICITY%20ACT%201996.aspx>

<sup>2</sup> To date, the Minister for Energy and Mining has not designated any bodies for the purposes of Regulations 6(1).

these mandatory conditions. Applicants must be familiar with the relevant conditions and confident that they can comply with the conditions.

### Variation of licence conditions

As part of the Commission's licensing function, it has the power to vary (or add to) conditions that are imposed on a licence it has issued. Specifically, under section 27 of the Electricity Act, the Commission has the power to vary a licence at any time, subject to statutory procedural requirements, including providing a licensee with reasonable notice of a proposed variation and allowing it the opportunity to make representations on that variation.

There is a broad range of factors that might be potential 'triggers' for the Commission to consider varying a licence, or adding new conditions. These include factors both external and internal to a licensee, and may include (without limitation):

- ▶ material changes in market operations, outcomes or structures
- ▶ changes to applicable national or State legislation, rules or policy
- ▶ the findings of a formal inquiry undertaken by the Commission
- ▶ substantive changes to operations which would have a genuine connection to or impact on the operations authorised under a licence
- ▶ an application by a licensee to vary its licence (for example, to add new generation plant or equipment or increase the capacity of existing generation plant), and
- ▶ evidence of upgrades or material changes to a licensee's business or operational practices relating to the generation plant and equipment authorised under a licence.

In considering a potential licence variation, the Commission must consider the factors specified in section 6 of the *Essential Services Commission Act 2002 (ESC Act)* (which sets out the Commission's primary statutory objective and other relevant considerations), the objects of the Electricity Act (as set out in section 3 of that Act). It will also be informed by any information submitted by a licensee to which the variation may apply, through public consultation and by engagement with regulatory agencies involved in the electricity supply industry.

### Annual licence fees

Holding a licence incurs annual licence fees. The Commission administers the licence fees determined by the Minister for Energy and Mining. At annual intervals, the Commission, on behalf of the Minister, will send to each licensee, depending on the category within the sector, an invoice for the licence fee. Licence fees are to be paid on receipt of an invoice via one of the payment options set out in the invoice.

The initial licence will not be issued until the first annual licence fee (or approved licence fee instalment) has been paid.

## How to apply for a generation licence

This form is to be completed by persons making application to the Commission for the issue of a licence to authorise electricity generation operations in the electricity supply industry in South



Australia, only when the electricity generation operations are connected to the National Electricity Grid and have a plant capacity of 100kVA < 5MW.

The Commission can also consider joint applications from two or more persons who wish to hold a licence jointly. Persons making joint applications must ensure that each of the applicants completes a separate application form, together with a covering letter explaining that the application is for a licence to be jointly held.

Section 16(1)(a) of the Electricity 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 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 of the applicant (e.g. Chief Executive Officer, Chief Financial Officer, General Manager etc.).

Applicants should list the information requested in the spaces provided in this form and enclose additional information when required. Applicants must take all reasonable steps to ensure the information provided in the application form is complete, true and correct and are required to make a declaration to that 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 suspension or cancellation of a licence at a later time.

Applicants are responsible for providing the Commission with current, accurate and relevant documentation. This will ensure that the application is processed promptly and without delay. All applications are assessed on a case-by-case basis. If insufficient information is provided with an application, the Commission will request additional information to be submitted before the application is considered further.

### Application fees

Applicants should note they will be required to pay an application fee (presently set by the Minister for Energy and Mining at \$1,000 per licence).

Holding a licence incurs annual licence fees<sup>3</sup>. The Commission administers the licence fees determined by the Minister for Energy and Mining. At annual intervals, the Commission, on behalf of the Minister, will send to each licensee, depending on the category within the sector, an invoice for the licence fee. Licence fees are to be paid on receipt of an invoice via one of the payment options set out in the invoice.

The initial licence will not be issued until the first annual licence fee (or approved licence fee instalment) has been paid.

---

<sup>3</sup> Available at <https://www.escosa.sa.gov.au/industry/electricity/licensing/licence-fees>



## How to lodge an application

Applicants may send their completed application form electronically (preferred) or in writing to:

Electronically to: [licensing@escosa.sa.gov.au](mailto:licensing@escosa.sa.gov.au)

In writing to: Essential Services Commission of SA  
GPO Box 2605  
Adelaide SA 5001

## Consultation and confidentiality

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

If applicants believe that they are providing confidential information when completing this form, they should write, "this information is confidential" after any such information. It is the applicant's responsibility to ensure this is clearly highlighted on the form. Applicants should also provide a 'non-confidential' version of the form capable of publication on the Commission's website.

The Commission will use information supplied in applications and in support of applications in accordance with the requirements of Part 5 of the *ESC Act*. Applicants claiming confidentiality are encouraged to familiarise themselves with Part 5. Applicants should note that the Commission may disclose confidential information in some circumstances.

## Further information

Applicants should note that the Commission may ask applicants who have submitted an application form to provide further information to the Commission, or to clarify the information that they have already provided if required.

Please note that, in the event that an application lacks sufficient detail and the Commission is required to request additional information from an applicant, delays in the assessment of the application may occur.

# Licence application form

## 1 The Applicant

(Applicants must answer all questions in this section)

### 1.1 Identity of applicant

State the full name of the applicant. The applicant is the person who will be undertaking the electricity generation operations that will be the subject of the licence. Joint applicants should each complete an application form, and submit their application forms at the same time, with a covering letter explaining that a joint application is being made.

Name: *Beerenberg Pty Ltd*

### 1.2 Legal identity of applicant

Provide information about the applicant, (i.e. whether the applicant is a natural person, private limited company or partnership, etc). If the applicant is a body corporate, please also state the jurisdiction in which the applicant is registered, and the applicant's ABN/ACN.

*Australian Private Company. ABN 69 158 498 974 / CAN 158 498 974*

### 1.3 Address and contact details of applicant

Business address: *2106 Mount Barker Road, Hahndorf*

State: *South Australia* ..... Post code: *5245*

Postal address (if different to business address):

*PO Box 240, Hahndorf*

State: *South Australia* ..... Post code: *5245* .....

Telephone: *08 0388 7272* ..... Facsimile: *08 8388 1108* .....

E-mail: *admin@beerenberg.com.au* .....

#### 1.4 Contact person on behalf of applicant

The full name, title and contact details of a person to whom the Commission can direct enquiries and correspondence about the application.

Full name: Louis Mavropoulos .....  
Title: Head of Procurement .....  
Business address: 2106 Mount Barker Road, Hahndorf .....  
.....  
State: South Australia ..... Post code: 5245.....  
Postal address (if different to business address):  
*PO Box 240, Hahndorf*.....  
State: South Australia ..... Post code: 5245 .....  
Telephone: 0458 003 343 ..... Facsimile: 08 8388 1108.....  
E-mail: louism@beerenberg.com.au .....

#### 1.5 Contact person for compliance matters and reporting

The full name and/or title of the person to whom the Commission can direct enquiries and correspondence about compliance matters and annual reporting responsibilities.

Full name: Louis Mavropoulos .....  
Title: Head of Procurement .....  
Business address: 2106 Mount Barker Road, Hahndorf .....  
.....  
State: South Australia..... Post code: 5245.....  
Postal address (if different to Business address):  
*PO Box 240, Hahndorf*.....  
State: South Australia..... Post code: 5245 .....  
Telephone: 0458 003 343 ..... Facsimile: 08 8388 1108 .....  
E-mail: louism@beerenberg.com.au .....



## 1.6 Contact person for licence fees

The full name and/or title of the person to whom the Commission can direct enquiries and correspondence about licence fees.

Full name: Louis Mavropoulos .....

Title: Head of Procurement .....

Business address: 2106 Mount Barker Road, Hahndorf .....

.....

State: South Australia ..... Post code: 5245.....

Postal address (if different to business address):

PO Box 240, Hahndorf.....

State: South Australia ..... Post code: 5245 .....

Telephone: 0458 003 343 ..... Facsimile: 08 8388 1108.....

E-mail: louisism@beerenberg.com.au .....

## 1.7 Diagram of corporate or other structure

Please attach with this application form details of the corporate or other structure, including details of any related companies within the meaning of the *Corporations Act 2001 (Corporations Act)*; and a diagram of the organisational chart, including composition of the board, management and other key personnel responsible for the key functions of the business.

*Beerenberg Pty Ltd Corporate and Organisational structure attached. This information is marked "CONFIDENTIAL" and is not for distribution.*

## 2 The Licence

**(Applicants must answer all questions in this section)**

### 2.1 Nature and scope of operations for which licence is sought

Applicants for a generation licence must state the location of the generation plant, the expected nameplate capacity of the generation plant, the type of generation and fuel used and some details about how the generator is to be connected to the network. Applicants for a wind generation licence must attach a map showing the location of the wind turbines.

*Generation plant located at 2106 Mount Barker Road, Hahndorf and includes the following:*

- *Roof mounted Solar PV system – 300 kVA inverter (349.92 kW panels)*
- *Battery Energy Storage System (BESS) – 250 kVA*
- *Diesel rotating generator – 550 kVA*

*System will be connected to the SAPN grid via a 1.5 MW transformer located on site. General operations will involve:*

- *Site demand to be provided by a combination of solar production and grid supply (up to peak demand requirements)*
- *In cases where solar production exceeds site demand, excess solar will be directed to charge the BESS or fed back to the SAPN grid (up to 199 kW)*
- *If demand on the grid exceeds the peak demand requirements, site demand will be met by a combination of solar PV, BESS and grid. If the demand on the grid still exceeds the demand requirements, the site will be islanded and demand will be met by the diesel rotating generator, solar PV, BESS.*
- *If there is a loss of grid, the site will be islanded and demand will be met by diesel rotating generator, solar PV and BESS.*
- *At no time (except during transition) the diesel rotating generator will be operational in parallel with the grid*

### 2.2 Licensing of electricity entities

Does the applicant for a generation licence supply electricity for reward or by means of a transmission or distribution network?

*Excess solar generation capacity that is not used by the facility or to charge the BESS will be exported to the SAPN grid up to a maximum of 199 kW. Currently the electricity supply agreement with the retailer (Origin Energy) does not provide financial benefit for this feed in of power. However, future agreements with Origin Energy may allow for a feed-in-tariff.*

*Beerenberg will also be applying to the Clean Energy Regulator for registering the power plant to enable the creation of Large Generation Certificates for the generation of power from the solar system.*

### 3 Suitability of applicant to hold a licence

#### 3.1 Names and addresses of the officers of applicant

State the names and addresses of the officers of the applicant. "Officers" of the applicant 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 of the applicant.

Full name: [REDACTED] .....

Date of birth: [REDACTED] ..... Office held: [REDACTED] .....

Address:

[REDACTED] .....

State: [REDACTED] ..... Post code: [REDACTED] .....

Full name: [REDACTED] .....

Date of birth: [REDACTED] ..... Office held: [REDACTED] .....

Address:

[REDACTED] .....

State: [REDACTED] ..... Post code: [REDACTED] .....

Full name: [REDACTED] .....

Date of birth: [REDACTED] ..... Office held: [REDACTED] .....

Address:

[REDACTED] .....

State: [REDACTED] ..... Post code: [REDACTED] .....

Full name: [REDACTED] .....

Date of birth: [REDACTED] ..... Office held: [REDACTED] .....

Address:

[REDACTED] .....

State: [REDACTED] ..... Post code: [REDACTED] .....

(Attach additional pages if necessary)

#### 3.2 Names and addresses of major shareholders of applicant

State the full names and addresses of the major shareholders of the applicant

Name: [REDACTED] .....

Date of birth (if applicable): ..... Office held (if applicable): .....

Address:



.....  
State: ..... Post code: .....

Name: .....  
Date of birth (if applicable):..... Office held (if applicable): .....  
Address:

.....  
State: ..... Post code: .....

Name: .....  
Date of birth (if applicable):..... Office held (if applicable): .....  
Address:

.....  
State: ..... Post code: .....

Name: .....  
Date of birth (if applicable):..... Office held (if applicable): .....  
Address:

.....  
State: ..... Post code: .....

### 3.3 Details of the group members

This is information about entities controlled by the applicant, or by the ultimate parent entity of the applicant (if applicable).

Not Applicable .....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

### 3.4 Additional information

Please answer the following questions.

Is the applicant a resident of, or does it have permanent establishment in, Australia? Where the answer to this question is no, please provide further detail.

Yes

Is the applicant under external administration (as defined in the *Corporations Act*) or under a similar form of administration under any laws applicable to it in any jurisdiction? Where the answer to this question is yes, please provide further detail.

No

Is the applicant immune from suit in respect of the obligations under the Electricity Act? Where the answer to this question is yes, please provide further detail.

No

Is the applicant capable of being sued in its own name in a court of Australia? Where the answer to this question is no, please provide further detail.

Yes

**(Attach additional pages if necessary)**

### 3.5 Quality of electricity produced/connection agreement

The Commission may not issue a generation licence unless it is satisfied that the generating plant (or proposed generating plant) will generate electricity of the appropriate quality for the relevant transmission or distribution network. The Commission will be satisfied that the electricity is of an appropriate quality if the applicant has entered into a connection agreement, which meets the Commission's technical requirements with the licensed operator of the relevant transmission or distribution network. Applicants are therefore required to submit a copy of such a connection agreement.

*Attached – SAPN Connection Agreement and Engineering Report*

### 3.6 Development Act approval

Please advise if the applicant has or is applying for approval under the *Development Act 1993 (SA)*. If so, provide details, including the date on which approval was or will be granted.

*Development Act approval not required:*

- Panels do NOT exceed 100 kgs at any single point
- Panels do NOT overhang any part of the roof
- Panels are fitted parallel to the underside of the roof within 100 mms from the roof
- Panels are installed by a CEC accredited installer
- Total generation capacity < 5 MW

### 3.7 Registration with Australian Energy Market Operator (AEMO)

Please advise if the applicant will apply to register with AEMO. If so, provide details. Applicants for a wind generation licence should note that registration as a semi-scheduled market participant is required for all new generators and all expansions to existing wind generation plant.

*Registration with AEMO not required as the nameplate capacity of the system is less than 5 MW and is fully connected to the transmission / distribution system.*

### 3.8 Licences held by the applicant in other Australian jurisdictions.

If the applicant holds, or has 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.

*Not Applicable*



### 3.9 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, and provide details if relevant.

*No*

### 3.10 Licences held by associates of the applicant

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

*Not Applicable*

### 3.11 Additional information

The Commission encourages applicants to provide any additional information they consider would be of assistance in supporting the application. Please provide below.

*Nil*

## 4 Declaration

All information in this application for the issue of a licence to authorise electricity generation operations in the electricity supply industry in South Australia must be verified by a Statutory Declaration of the applicant, in accordance with the provisions of the *Oaths Act 1936 (SA)*<sup>4</sup>, stating that the information contained in the application is true and correct to the best of the applicant's knowledge, information and belief.

Where the applicant is a body corporate, evidence of the relevant authority of the declarant to sign on behalf of the body corporate must also be provided to the Commission.<sup>5</sup>

### **Statutory Declaration**

I Garry Robert Martin.....

of [REDACTED].....

do solemnly and sincerely declare that:

- 4.1 The information contained in this application for the issue of a licence to authorise electricity generation operations in the electricity supply industry in South Australia is true and correct to the best of my knowledge information and belief.
- 4.2 The applicant is a suitable person to hold a licence and
  - 4.2.1 has shown a high level of honesty and integrity in all of its commercial and other dealings
  - 4.2.2 has not been found guilty of any criminal offence
  - 4.2.3 has not been successfully prosecuted under any Territory, State or Commonwealth legislation (such as the Australian Securities and Investments Commission Act 2001 or the Competition and Consumer Act 2010
  - 4.2.4 has not been the subject of disciplinary action, and
  - 4.2.5 has not been the subject of any past and/or present administrative or legal actions in relation to an authorisation, authority or licence in any industry.
- 4.3 The applicant's officers and major shareholders of the applicant
  - 4.3.1 have shown a high level of honesty and integrity in all of their commercial and other dealings
  - 4.3.2 have not been found guilty of any criminal offence

<sup>4</sup> or equivalent legislation in other Australian jurisdictions.

<sup>5</sup> The Commission will accept a copy of a Board minute (or circulating resolution) giving approval for the declarant to sign on behalf of the applicant as evidence of the relevant authority.

- 4.3.3 have not been successfully prosecuted under any Territory, State or Commonwealth legislation (such as the Australian Securities and Investments Commission Act 2001 or the Competition and Consumer Act 2010)
- 4.3.4 have not been the subject of disciplinary action, and
- 4.3.5 have not been the subject of any past and/or present administrative or legal actions in relation to an authorisation, authority, or licence in any industry.
- 4.4 The applicant has adequate financial resources to carry out the electricity generation operations that are the subject of this licence application.
- 4.5 The applicant has the technical resources to carry out the electricity generation operations that are the subject of this licence application.
- 4.6 The applicant has the human resources to carry out the electricity generation operations that are the subject of this licence application.
- 4.7 The applicant will develop an appropriate risk management plan to address the risks associated with the electricity generation operations that are the subject of this licence application.
- 4.8 The applicant will develop an appropriate compliance plan to address compliance with the obligations associated with the electricity generation operations that are the subject of this licence application.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Date 12th MAY 2021

Signature 

(Where the applicant is a body corporate, the declaration must be made by a person authorised by body corporate to sign on its behalf)

Declared at: HANCOCK SA this 12th day of MAY 2021.

Before me: 

Adrian Glenn Pfeiffer  
Justice of the Peace  
For and in the State of South Australia  
# 24338

(Signature of Justice of the Peace or other person authorised under the *Oaths Act 1936*)





The Essential Services Commission  
Level 1, 151 Pirie Street Adelaide SA 5000  
GPO Box 2605 Adelaide SA 5001  
T 08 8463 4444

E [escosa@escosa.sa.gov.au](mailto:escosa@escosa.sa.gov.au) | W [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au)