



Application form for the issue of an Electricity Generation Licence – from 5MW and above

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

July 2022

OFFICIAL

Enquiries concerning this form should be addressed to:

Essential Services Commission
GPO Box 2605
Adelaide SA 5001

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Freecall: 1800 633 592 (SA and mobiles only)
E-mail: escosa@escosa.sa.gov.au
Web: www.escosa.sa.gov.au

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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 under electricity/licensing.

Generation operations which require a licence

Section 15(2)(a) of the *Electricity Act 1996* (**Electricity Act**)¹ 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 Minister²), 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.

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

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

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

Additional technical licence conditions

Additional technical licence conditions apply to all new electricity generators seeking to connect to the South Australian power system. Applicants for a generation licence should familiarise themselves with the Commission's licensing arrangements for generators in South Australia final report, available on the Commissions website.³

Model licence conditions have been developed and are available in Attachment 1. The model conditions will be applicable to all new applications, having regard to advice from the Australian Energy Market Operator (AEMO) on the specific circumstances of individual applications received.

Depending on the specific characteristics of a given generation project, the model conditions may be varied to the degree necessary to ensure that South Australian consumers' long-term interests with respect to the price, quality and reliability of electricity services are protected.

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

³ Refer: <https://www.escosa.sa.gov.au/projects-and-publications/projects/electricity/licensing-arrangements-for-generators-in-south-australia>

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.

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 fees⁴. 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 lodge an application

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

Electronically to: 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.

⁴ Available at <https://www.escosa.sa.gov.au/Industry/electricity/licensing/licence-fees>

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: *Bungama Project (Solar) Operations Pty Ltd (ACN 621 450 762) as trustee for Bungama Project (Solar) Operations Trust (ABN 92 133 409 781).*

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.

Bungama Project (Solar) Operations Pty Ltd (ACN 621 450 762) as trustee for Bungama Project (Solar) Operations Trust (ABN 92 133 409 781), is a special purpose vehicle registered in Victoria.

Bungama Solar is a wholly owned (indirect) subsidiary of AMP Solar Group Inc. For clarity, kindly refer to [REDACTED]

1.3 Address and contact details of applicant

Business address: *Level 44, 600 Bourke Street, Melbourne*

State: *Victoria* Post code: *3000*

Postal address (if different to business address):

State: Post code:

Telephone: *+61477889902* Facsimile:

E-mail: *bungama@amp.energy*

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: *Nurudeen Huthman*
Title: *Project Director*
Business address: *Level 44, 600 Bourke Street, Melbourne*
State: *Victoria* Post code: *3000*
Postal address (if different to business address):
State: Post code:
Telephone: *+61478136466* Facsimile:
E-mail: *nhuthman@amp.energy*

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: *Jose Fortes*
Title: *Asset Manager*
Business address: *Level 44, 600 Bourke Street, Melbourne*
State: *Victoria* Post code: *3000*
Postal address (if different to Business address):
State: Post code:
Telephone: *+61477889902* Facsimile:
E-mail: *jfortes@amp.energy*

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: *Jose Fortes*
Title: *Asset Manager*
Business address: *Level 44, 600 Bourke Street, Melbourne*
State: *Victoria* Post code: *3000*
Postal address (if different to business address):
State: Post code:
Telephone: *+61477889902* Facsimile:
E-mail: *jfortes@amp.energy / ap-australia@amp.energy*

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.

Figure 1 (confidential) describes the current corporate structure of the Applicant. Bungama Project (Solar) Operations Pty Ltd (ACN 621 450 762) as trustee for Bungama Project (Solar) Operations Trust (ABN 92 133 409 781) is a wholly owned (indirect) subsidiary of AMP Solar Group Inc (Attachment A).

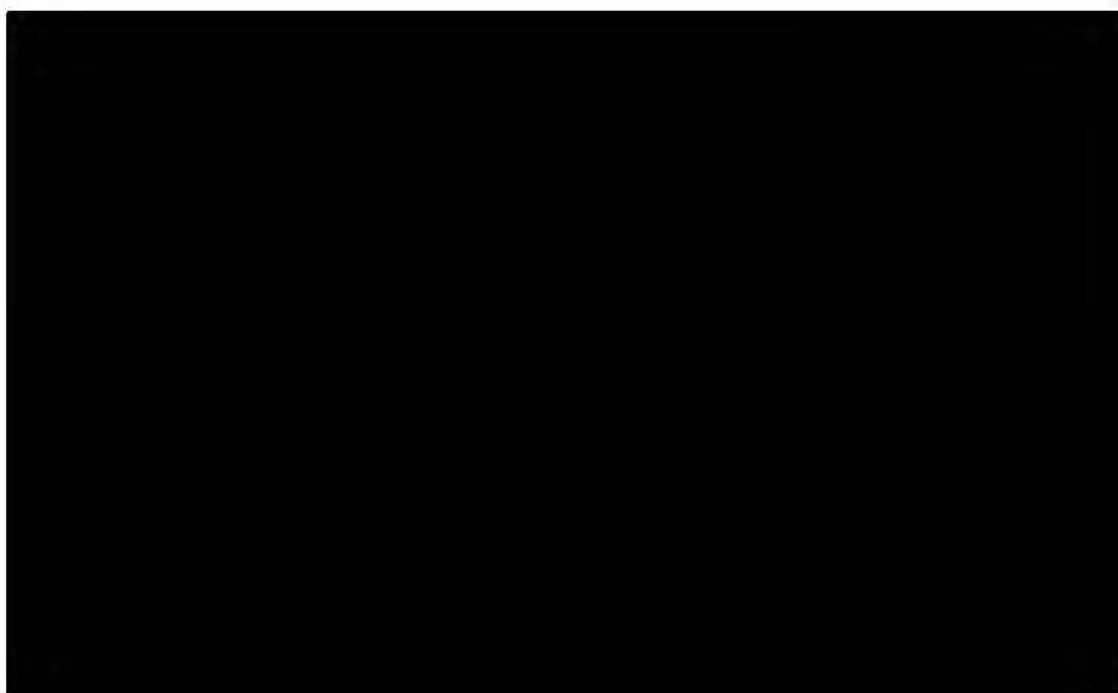
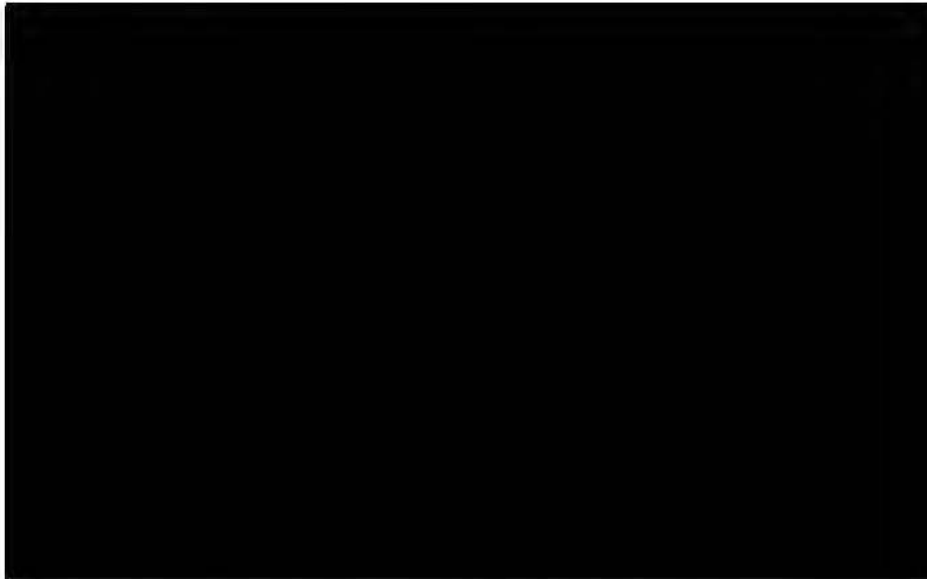


Figure 2 (confidential) shows the organisational chart for Amp Power Australia Pty Ltd, the entity that is the Asset Manager and that direct employs all staff within Amp Power Australia Pty Ltd (Attachment B).



The directors and other key personnel of the Applicant are as follows:

Paul Ezekiel, Director of the Applicant and Co-Founder and CIO of Amp Solar Group Inc.

Paul is Amp's Chief Investment Officer and is responsible for all investment and M&A activities and global business development for Amp. Since co-founding Amp, Paul has rapidly expanded the company's global footprint beyond North America, to markets that now include Europe (the United Kingdom, Spain, Germany, Italy and Poland), Japan, Australia and India, building Amp into a global energy player with deep local expertise. Additionally, Paul is responsible for expanding Amp's mandate beyond renewable generation (Solar and wind) to include both hybrid and standalone battery storage. The most recent addition to Amp's technology development platform is green hydrogen and ammonia with 5 projects now being developed across Amp's global portfolio.

Paul is a 25-year veteran in structured cross - commodity risk, primarily focused in the global energy markets. Having acted as either as principal or developer of energy assets around the world, he was most recently a Managing Director, Energy Trading at Credit Suisse. His experience included the development of or investment in projects or businesses spanning thermal generation, renewable generation (solar and wind), and energy storage (pump and battery).

Paul holds a Bachelor of Medicine and Bachelor of Surgery degree from the University of Western Australia and Masters of Business Administration from Cornell University.

Dean Cooper, Executive Vice-President – Head of APAC (excl. Japan) of Amp Solar Group Inc.

Dean joined Amp in 2015, leading finance and acquisition of projects and portfolios in the APAC region. Dean has over 20 years of energy finance experience across clean energy infrastructure and utilities in the APAC region. Most recently, Dean announced a landmark project with Amp's first Renewable Energy Hub combining 1.3GW of solar and wind coupled with up to 540MW of battery storage.

Prior to joining Amp, Dean held various clean energy infrastructure positions including, EVP APAC at First Data Corporation for the Utilities and Smart Grid Division, Head of Cleantech at Investment Bank Ambrian Partners Limited, Managing Partner of a Clean Energy Infrastructure Advisory group and EVP for Energy Storage Company PLL.

Dean has a Masters in Finance from Macquarie University in Australia and a 1st class honours degree in Finance.

Krishna Pillai, Director of the Applicant and Head of Finance of Amp Power Australia Pty Ltd (75 618 201 380)

Krishna is the Head of Finance for Amp Australia. Prior to Amp, Krishna was the Head of Finance at Powering Australia Renewables (PowAR). Krishna is a senior finance professional with over 15 years of experience within the energy and infrastructure sectors.

Krishna's experience includes origination and arrangement of debt financing transactions which comprises pre-financing structuring, formation of bank groups, financial analysis and negotiating & documenting loan agreements. Krishna has also managed treasury operations and corporate tax affairs.

Krishna has a Masters of Commerce from Deakin University and a Bachelor of Engineering from Bangalore University, India.

Steve McCall, Director of the Applicant and Director of EP Solar Investments Pty Ltd (611 216 516)

Steve is the Director/Principal of EPS. Steve is a Certified Practicing Planner and member of the Planning Institute of Australia, with experience in the provision of a large range of services to both the public and private sectors as well as over 20 years project management experience.

Steve is a Director of Riverina Solar and Australian Community Energy (developing large scale renewable energy projects) and an elected member of several committees for environmental and economic development. Steve regularly undertakes advisory roles, both pro bono and fee engagements for environmental planning and renewable energy.

Steve's areas of expertise include project development and leadership across renewable energy, waste, infrastructure, contamination, and property projects as well as strong community, stakeholder and Government agency consultation.

Jeff Burns, Director of the Applicant and Director of EP Solar Investments Pty Ltd (611 216 516)

A Certified Practising Valuer and Environmental Lawyer, Jeff's professional experience encompasses land economics, commercial contracts, environmental consulting, valuation, property consulting, and real estate and commercial strategy.

Jeff has worked extensively on major projects in an advisory capacity for development and investment oriented clients.

Applying broad ranging technical skills, Jeff works to develop strategies, improve efficiency and implement business and real estate initiatives that deliver sustainable and measurable results.

Rosalie Brizuela, Secretary of the Applicant and Accounting Manager of Amp Power Australia Pty Ltd (75 618 201 380)

Rosalie is the Accounting Manager for Amp Australia, responsible for the preparation of financial reports, liquidity and cash flow management, preparation of budgets and forecasts, and management of the accounts payable and receivable function. Rosalie has implemented financial systems and has proposed efficiency improvements and oversees audit and regulatory compliance. Prior to Amp, Rosalie was the Finance Manager at Lightsource BP and was a key member of the team involved in the financial close on the Wellington, West Wyalong and Woolooga projects. Rosalie has a Masters of Professional Accounting from RMIT University and a Bachelor of Business from LaTrobe University and is a qualified ACCA accountant.

Paul Farnworth, Head of Projects of Amp Power Australia Pty Ltd (75 618 201 380)

Paul is Amp's Head of Projects, based in Adelaide. He has overall responsibility for Amp's project development and construction activities, including land acquisition, development approval, procurement, and project management.

Paul has extensive experience in managing and delivering projects in the energy industry, most recently at EnergyAustralia, where he was the Project Director for Tallawarra B OCGT power station. Prior to EnergyAustralia, Paul held various senior project development and delivery roles, including Technical Director at Macquarie Capital, Head of Projects & Construction at SA Power Networks, Program Director at Enerven, and GM Major Projects at Alinta.

Paul holds a Bachelor of Electrical & Electronic Engineering from Imperial College London and a Graduate Certificate in Business Administration from the University of South Australia.

Scott Gittoes, Head of Legal of Amp Power Australia Pty Ltd (75 618 201 380)

Scott is Head of Legal and is responsible for all legal matters across Amp Australia. He has 15 years' experience advising on engineering, construction, operations, and commercial matters, as in-house counsel for listed companies and in private legal practice.

Prior to joining Amp, Scott was Senior Legal Counsel at Downer EDI Limited where he led the review and negotiation of renewable energy and electricity infrastructure projects across Australia and advised on matters arising during the delivery and operation of such projects.

Scott has a Bachelor of Laws from the University of Queensland.

Abbeygale Paula, Senior Financial Controller of Amp Power Australia Pty Ltd (75 618 201 380)

Abbeygale Paula is the Financial Controller for Amp Australia, she oversees a range of finance functions at Amp including Accounting, Financial Reporting, Tax and Regulatory Compliance, FP&A and HR of the business. Abbeygale has been a key member of Amps Australian business and management team since inception of the business. She has successfully established the overall Accounting and Finance function for Amp Australia and has supported the successful delivery of Amps first two operating assets in NSW, Molong Solar Farm and Hillston Solar Farm. She is a finance professional who has over 10 years of global experience within the banking and energy sectors. Prior to Amp, Abbeygale was a Senior Regional Financial Analyst at Halliburton's headquarters in the UAE and managed the FP&A reporting for their US\$3bn Middle East North Africa portfolio.

Abbeygale is an ACCA qualified Chartered Accountant, who holds a Master degree in Finance & Investments from the University of Exeter in the UK.

Hieu Nguyen, Head of Grid of Amp Power Australia Pty Ltd (75 618 201 380)

Hieu is Amp's Head of Grid, responsible for all aspects of the grid connection processes through all stages of the project lifecycle, from pre-feasibility analysis, feasibility assessment, connection application, through to R1 modelling, commissioning, R2 model validation and ongoing compliance monitoring.

He is a senior power system expert with over 15 years of experience in power system planning, operation, modelling, and analysis especially related to renewable energy connections in the Australian National Energy Market (NEM) and overseas. Prior to joining Amp, Hieu was the Manager of Generation and Major Augmentation at CitiPower & Powercor where he managed the connections of generators and large customers to CitiPower & Powercor's HV networks as well as major network augmentation projects.

Hieu holds a PhD degree in Power System Engineering from the University of Tasmania and a Bachelor degree in Electrical Engineering from Hanoi University of Science and Technology.

Nurudeen Huthman, Project Director of Amp Power Australia Pty Ltd (75 618 201 380)

Nurudeen is project Director for the Bungama BESS. He has overall responsibility for the Engineering, Procurement, Construction, and commissioning of the 300MWh Battery.

Prior to joining Amp, Nurudeen was a project manager at Tesla Motors Australia where he delivered multiple utility scale Battery projects operating in the NEM. He also held project engineering and design management roles while at Tesla.

Nurudeen holds a Bachelor of Electrical Engineering and Master of Electrical and Computer Engineering from Kettering University Flint, Michigan.

José Fortes, Asset Manager of Amp Power Australia Pty Ltd (75 618 201 380)

José Fortes is the Operations & Asset Manager for Amp Australia, responsible for the delivery and execution of all aspects of project service, providing commercial and technical support to the development and construction teams.

Prior to Amp, José was the Head of Operations function for CWP Renewables and previously led the Operations & Asset Management functions for Neoen Australia and RWE Innogy Spain. José has over 14 years' experience in the renewables sector internationally, with over 12 years' managing multi-million-dollar assets and business units involving wind, solar and storage technologies with a combined capacity of 1GW.

José has a Masters in Renewable Energy and a Master Degree in Chemical Engineering from University of La Laguna, Spain.

2 The Licence

(Applicants must answer all questions in this section)

2.1 Date from which licence is sought

Applicants should usually allow the Commission a minimum of 16 weeks to consider an application, as a public consultation period of at least four weeks forms part of the Commission's consideration of licence applications. If the applicant seeks to have the licence issued by a certain date, provide this date. Please note that the Commission does not undertake to issue the licence by this date.

The licence is sought for issue by 15 November 2023.

2.2 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.

The battery will be located in the suburbs of Bungama, Napperby and Warnertown, on the southwest corner of CT 6127/5 Allotment 558 Filed Plan 188690, just 6km east of Port Pirie with coordinates 33°11'18.44"S, 138° 5'12.77"E.

The nameplate capacity of the battery is 150MW/300MWh.

The battery will be connected to the 275kV Bungama Substation owned by ElectraNet.

The battery will primarily operate on energy and FCAS markets through the NEM, charging and discharging electricity directly to and from the power grid via the Connection Point.

Aerial views of the Battery site.





2.3 Licensing of electricity entities

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

Yes. The battery will be connected to the ElectraNet transmission network, both for charging and export of electricity, and registered with AEMO in the National Electricity Market.

3 Suitability of applicant to hold a licence

(Applicants must answer all questions in this section)

3.1 Standard of honesty and integrity shown by applicant

In deciding whether the applicant is a suitable person to hold a licence, the Commission may:

- ▶ consider the applicant's previous commercial and other dealings, and
- ▶ the standard of honesty and integrity shown in those dealings.

Please provide information that will assist the Commission in its consideration of this matter. If the applicant:

- ▶ has been found guilty of any criminal offence
- ▶ has 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*)
- ▶ has been the subject of disciplinary action, or
- ▶ has been the subject of any past or present administrative or legal actions in relation to an authorisation, authority, or licence in any industry,

Details of such matters must be disclosed. Failure to disclose such information or misrepresent any matter relevant to such information may result in the cancellation of a licence.

The Commission may use the service of an external expert to assist with the assessment of the applicant's standard of honesty and integrity.

The Applicant is a "Special Purpose Vehicle" dedicated to Construction, Operation and Maintenance for the Applicant's Project Assets (as described in section 2. above).

The Applicant can declare that Bungama Project (Solar) Operations Pty Limited as trustee for Bungama Project (Solar) Operations Trust, its officers and officers of Amp Solar Group Inc (100% shareholder of Bungama Project (Solar) Operations Pty Limited as trustee for Bungama Project (Solar) Operations Trust) have not:

- *been found guilty of any criminal offence*
- *been successful prosecuted under any Territory, State or Commonwealth legislation (such as the Australian Securities and Investments Commission Act 2001 or the Competition and Customer Act 2010)*
- *been the subject of disciplinary action, or*
- *been the subject of any past or present administrative or legal actions in relation to an authorisation, authority, or licence in any industry.*

The Applicant is part of a group of companies that develop renewable energy projects throughout North America, Australia, Japan, Spain, the UK and India (see <https://www.amp.energy/>). In Australia, related bodies corporate of the Applicant are developing, or have developed, battery, solar PV and green hydrogen facilities, including in Hillston and Molong in New South Wales, and Cape Hardy and Port Bonython in South Australia.

3.2 Standard of honesty and integrity shown by officers and major shareholders of Applicant

Applicants should address responses to this question in the same manner as 3.1 above except here it relates to officers and major shareholders of the applicant.

Please also supply details of any policies and procedures addressing the probity and competence of officers and other key management staff.

To the best of the Applicant's knowledge having made due and reasonable enquiry, neither the officers listed in section 3.3 below, nor the shareholders of the Applicant (inclusive of Amp Solar Group Inc) have been:

- been found guilty of any criminal offence
- been successful prosecuted under any Territory, State or Commonwealth legislation (such as the Australian Securities and Investments Commission Act 2001 or the Competition and Customer Act 2010)
- been the subject of disciplinary action, or
- been the subject of any past or present administrative or legal actions in relation to an authorisation, authority, or licence in any industry.

The Applicant, through the proposed structure, has demonstrated competence in managing a generation business, including through its operations around the world and in Australia.

Amp Solar Group Inc. has an established code of conduct, policies, and procedures applicable to directors, managers and employees. This includes anti bribery and corruption, and whistleblowing policies (Attachment C – Confidential).

3.3 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: *Paul Ezekiel*.....
Date of birth: [REDACTED] Office held: *Director*.....
Address: [REDACTED].....
State: [REDACTED] Post code: [REDACTED].....

Full name: *Krishna Pillai*.....
Date of birth: [REDACTED] Office held: *Director*.....
Address: [REDACTED].....
State: [REDACTED] Post code: [REDACTED].....

Full name: *Jeffry Guy Burns*.....

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

Address: [REDACTED].....

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

Full name: *Stephen McCall*.....

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

Address: [REDACTED].....

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

Full name: *Rosalie Brizuela*.....

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

Address: [REDACTED].....

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

Full name: *Abbeygale Paulo*.....

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

Address: [REDACTED].....

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

3.4 Names and addresses of major shareholders of applicant

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

Name: *Bungama Project (Solar) Holdings Pty Ltd (ACN 653 245 928) as trustee for Bungama Project (Solar) Holdings Trust (ABN 97 300 792 086)*

Address: *Level 44, 600 Bourke Street, Melbourne*

State: *Victoria* Post code: *3000*

3.5 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).

Section 1.7 contains a diagram of the entities which ultimately control the Applicant and the entities which will own and operate the battery.

The ultimate Parent Company of the Applicant is Amp Solar Group Inc. a Canadian based corporation operating globally, incorporated under the laws of Ontario, Canada on May 4, 2009. The Company develops, builds and operates renewable energy generation and storage assets, with offices located at 301-31 Lakeshore Road East, Port Credit, Ontario, Canada L5G 4V5.

There are several Amp group companies that sit between Amp Solar Group Inc. and Bungama Project (Solar) Holdings Pty Ltd (ACN 653 245 928) as trustee for Bungama Project (Solar) Holdings Trust (ABN 97 300 792 086), which can be seen in the company structure in section 1.7 (Attachment A).

3.6 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, the Applicant was incorporated in Victoria and has its registered office in Melbourne VIC.

.....
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, the Applicant is not under external administration.

.....
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, the Applicant is capable of being sued in its own name in a court in Australia.

3.7 Financial resources available to the applicant

Provide information about the financial resources available to the applicant. If the applicant is a company, please also enclose:

- ▶ copies of all audited profit and loss statements and balance sheets for the last three financial years (including all notes)
- ▶ director's declaration that the financial statements comply with accounting standards, give a true and fair view, have been made in accordance with the *Corporations Act* and that there are reasonable grounds to believe the company/entity will be able to pay its debts as and when they fall due, and
- ▶ the director's report and the audit opinion.

If the applicant is a subsidiary company, please also provide:

- ▶ copies of all audited profit and loss statements and balance sheets of the applicant's parent company for up to the last three financial years.

The applicant should also submit copies of:

- ▶ its business plans including at least strategic direction and objectives, identified opportunities in the market place and forecast results, and
- ▶ evidence of capital and liquidity support in place, including any bank or cross guarantees, to support the business and evidence of negotiations with the network service provider concerning credit support arrangements.

Attachment D contains the audited consolidated financial statements for the parent company Amp Solar Group Inc. for the year ending 2022 (confidential) because Amp's financial statements moved from following GAP standards to IFRS standard.

With regards to the business plan and strategic direction and objectives, Amp's Bungama BESS is a Market ready battery able to provide network services. Amp is vertically integrated business with a retail agreement in place.

Beyond this project, Amp holds important renewable energy deployment ambitions in Australia, where it has an operational portfolio of 158 MW_{DC} with a development portfolio of +5 GW.

3.8 Additional details of structure of applicant

If the applicant is part of a group of related companies, and/or party to a partnership, joint venture or alliance agreement with another company, please provide:

- ▶ contractual arrangements (e.g. alliance contracts, associate contracts, establishment contracts) that define relationships within the group – including shared resources, guarantees, revenue flows, obligations and or responsibilities.

Please refer to section 1.7 of this application for a presentation of the current corporate structure of the Applicant.

The Applicant will own the BESS Project substation, however ElectraNet will own the cable that connects to ElectraNet's Transmission network. An intercompany agreement will be in place between the Applicant and Amp Power Australia Pty Ltd which will outline how Amp Power Australia Pty Ltd will

provide asset management services to the Applicant. It will detail the services provided, payments between the parties and address future change control scenarios.

3.9 Human resources available to the applicant

Provide information about the human resources available to the applicant. This includes:

- ▶ the experience and qualifications of those employees outlined in the organisational chart (see point 1.7), and
- ▶ if the applicant will employ contractor/s to assist with the licensed operations, the name of that contractor/s, details about the experience of the contractor/s in such operations and details of the processes in place to ensure the contractor/s complies with the regulatory obligations imposed by the licence.

Via its related entities which are included in the organisational chart set out in section 1.7 above, the Applicant has access to an experienced employee base, including a dedicated Operations & Asset Manager, directly monitoring topics including registration, compliance and O&M related activities.

The Applicant will also be supported internally by the Finance, Legal and Grid Teams. The 24/7 dispatch and trading services to all Amp's asset in operation in Australia will be externally supported by [REDACTED]

For the Bungama Project BESS, Amp intends to engage a tier 1 bankable EPC Contractor to design, procure, construct, and commission the battery.

When the battery is in operation, the Operations and Maintenance Contract will be managed by Amp Power Australia Operations & Asset Manager José Fortes, who is supported by the Head of Grid, currently Hieu Nguyen, Head of Finance Krishna Pillai and the Head of Legal Scott Gittoes.

Amp Power Australia as the Asset Manager would be responsible for the oversight of the regulatory and technical compliance of the battery. It would be relying on a tier 1 bankable EPC Contractor to support the on-going operation and compliance of the battery. As shown in the organisation chart in Attachment Section 1.7 for Amp Power Australia, José Fortes, Hieu Nguyen and Scott Gittoes will be the key leaders in providing this oversight.

3.10 Technical resources available to the applicant

Applicants for a generation licence are asked to provide details about the availability of technical resources to be used in carrying out the operations for which a licence is sought. The information should include details about the technically qualified staff available to the applicant and (if relevant) details of experience gained in similar operations.

Where applicants are relying on a third party to provide staff and resources to meet the technical requirements of the generation licence, please provide:

- ▶ a list of all functions and activities being proposed to outsource
- ▶ details of any formal agreement/s to provide services, including confirmation that the third party possess relevant technical competencies to conduct the proposed activities

- ▶ a summary of the third party's technical capacity to meet relevant obligations, including relevant accreditations, and
- ▶ a summary of the third party's experience and knowledge in the relevant area.

As indicated in section 3.9, the Applicant is in the process of contracting with a bankable tier 1 Battery Energy Storage provider to undertake the design, procure, construct, and commissioning of the battery, and the on-going Operation and Maintenance for the facility.

3.11 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.

The Applicant is negotiating the Connection Agreement with ElectraNet, which is expected to be executed by end of August 2023, and will provide a copy then.

3.12 Risk management

Provide confirmation and reasonable evidence that the applicant's management has identified the risks associated with electricity operations and has established, utilises and relies 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 should be submitted.

The Applicant's risk management strategy is governed by the Asset Manager, currently Amp Power Australia, via its implemented Risk Management Policy and Procedure. These set out the organisational framework, expected practices, and governance structures in place for risk management. The Policy and Standard align with ISO 31000 Risk Management - Principles.

Attachment reference:

Attachment E (confidential) – Amp Power Australia Risk Management Policy

Attachment F (confidential) – Amp Power Australia Risk Management Procedure

Attachment G (confidential) – Applicant's Risk Register (template redacted for ESCOSA)

The local organisation, selected contractors and consultants ensure that the Applicant enjoys exemplary market knowledge to manage all identified risks related to financing, constructing, operating and maintaining a battery project of this scale.

Risks associated with electricity generation and wholesale operations are included under our Operational Risk. The comprehensive policy describes the governance framework and approach to managing the following risks across wholesale and asset operations:

1. *Work Health and Safety*
2. *Environmental*

3. *Schedule Dealy*
4. *Operational Risk*
5. *Financial Risk*
6. *Reputational Risk*

Amp Power Australia have recently implemented a Governance, Risk and Compliance (GRC) software (Totum Compliance) within its business operations. Via this GRC tool, specific to the Energy Industry, Amp have strengthened its GRC practices and improved its asset management processes and systems.

Utilising the risk management procedure, risks are captured for each project in the Project Risk Register (redacted template Risk Register attached). The Risk Register is populated throughout each stage of its development, construction and then operation as shown in the template.

3.13 Planning, Development and Infrastructure Act approval

Please advise if the applicant has or is applying for approval under the *Planning, Development and Infrastructure Act 2016* (SA). If so, provide details, including the date on which approval was or will be granted.

Approval for the Development has been received - Development Number: 354/V004/18.

The original DA was granted in 2019, with an amendment to accommodate the BESS led strategy and relocation of the BESS and Substation approved earlier in 2023.

Both approvals are attached (Attachment H).

3.14 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.

The Applicant will apply to AEMO to register the battery following the Integrating Energy Storage Systems (IESS) NEM Reform Rule and accordance with the National Electricity Rules.

The registration category(s) will cover the participation of the Battery in both the Energy and Frequency Control Ancillary Services (FCAS).

3.15 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.

No. Bungama Project (Solar) Operations Pty Ltd as trustee for Bungama Project (Solar) Operations Trust has not held electricity or gas licence in other Australian jurisdictions.

3.16 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. Bungama Project (Solar) Operations Pty Ltd as trustee for Bungama Project (Solar) Operations Trust has not applied for an electricity or gas licence in another Australian jurisdiction.

3.17 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.

3.18 Compliance plans

Applicants are required to submit a copy of their compliance plan, which demonstrates how the compliance systems the applicant has (or will have) in place will ensure compliance with all of the applicable regulatory obligations imposed by the relevant licence.

The Applicant's compliance strategy is governed by the Asset Manager, currently Amp Power Australia, via its implemented Compliance Management Policy and Plan. These set out the organisational framework, expectations, and governance structures in place for compliance management. The Policy and Standard align with ISO 37301:2021 - Compliance Management Systems. The following are attached for reference:

Attachment I (Confidential) - Amp Power Australia Compliance Management Policy

Attachment J (Confidential) - Amp Power Australia Compliance Management Procedure

Attachment K (Confidential) - Applicant's Obligations Register (template redacted for ESCOSA)

Attachment L (Confidential) - Amp Solar Group Inc. Health & Safety Policy

The obligations will be monitored and fulfilled via our newly implemented Governance, Compliance and Risk (GRC) software (Totum Compliance). This GRC tool has a 'legislation update' module that ensures compliance with current and future national and jurisdictional law.

Additionally, compliance with energy law is managed by two key work streams within Amp Power Australia:

1. Energy Market Trading and Dispatch

Energy Market Trading and Dispatch services will be contracted to one of Australia's leading energy market trading firms of the highest reputation [REDACTED]

[REDACTED] Our supplier will be responsible for the generator's participation in the spot market and therefore has first line responsibility for compliance.

The Operations & Asset Management team with extensive experience in market trading operations in the NEM, then provides a second line of compliance and risk defence to the wholesale market trading activities.

2. Energy Operations

The Operations & Asset Management team manages Amp's portfolio of power generation assets, including 158 MW_{DC} of operated capacity in NSW (Hillston and Molong Solar Farms).

Each generator has registered performance standards with AEMO and institutes a Generator Compliance Program in line with the Template for generator compliance programs, which is issued by the Australian Energy Market Commission and updated periodically.

The Operations & Asset Management Team has first line responsibility for generator operational and technical compliance.

The Compliance Function provides a second line of compliance and risk defence for generator operations activities.

.....

3.19 Additional information

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

The Applicant is in the process of appointing a bankable tier 1 Battery Energy Storage provider to construct the \$200 million, 150MW Bungama grid-scale battery in South Australia.

The project is scheduled to be completed and in operations in 2025.

4 Factors specified in the *Essential Services Commission Act 2002*

In considering a licence application, the Commission must have as its primary objective protection of the long-term interests of consumers with respect to the price, quality and reliability of electricity supply, and must have regard to the need to:

- (a) promote competitive and fair market conduct
- (b) prevent misuse of monopoly or market power
- (c) facilitate entry into relevant markets
- (d) promote economic efficiency
- (e) ensure consumers benefit from competition and efficiency
- (f) facilitate maintenance of the financial viability of regulated industries and the incentive for long term investment, and
- (g) promote consistency in regulation with other jurisdictions.

If the applicant believes that information about their application would assist the Commission in its consideration of these factors, the applicant should provide such information below.

The grid-scale battery will support South Australia's energy transition, providing essential capacity when renewable generation is impacted and during periods of high demand.

The granting of the licence is consistent with the Commission's primary objective on the protection of the long-term interest of consumers with respect to the price, quality, and reliability of electricity supply.

With South Australia generating more power from renewable sources than any other state, this battery will further reinforce a reliable energy supply for households and businesses.

The provision of battery services in the South Australian and the National Electricity Market will enhance the quality and reliability of the energy supply system. Battery energy storage systems are increasingly playing a critical role in counter-balancing the higher penetration of intermittent energy resources. The intermittent nature of the wind and solar energy sources puts pressure on the energy system's ability to manage any deficit or excess in the supply and demand of wholesale energy. Battery is additionally effective in enhancing the decreasing system inertia due to the higher level of renewable resources and the expected de-commissioning of traditional thermal and coal generation plants.

The fast rate of energy dispatch from the battery provides an important resource to manage any fluctuations in system frequencies due to loss of load or generation.

The ability of the battery to store and discharge energy provides commercial opportunities in optimising the supply in the market with a competitive price. It also allows the battery to store solar or wind farms energy and dispatch them when the market conditions are favourable. The increase of a new energy supply from the battery will enhance competition and prices in the electricity market.

The Bungama BESS project will be the first of Amp's national roll-out of +1GW of grid-scale batteries to get underway in South Australia.

5 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)*⁵, 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.⁶

Statutory Declaration

KRISHNA KUMAR NARAYANA PILLA

of

do solemnly and sincerely declare that 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.

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

22 August 2023

Signature



⁵ or equivalent legislation in other Australian jurisdictions.

⁶ 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.

(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: Sydney this 22 day of August 2023

Before me: [Signature]

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



Attachment 1

2017 model licence conditions for new generators⁷

1 Interpretation of this schedule

1.1 Interpretation

1.1.1 Terms used in this schedule and also in the National Electricity Rules (**NER**) have the same meaning in this schedule as they have in those rules (unless otherwise specified or unless the context otherwise requires).

1.1.2 This schedule retains the numbering convention of the 2017 model licence conditions.

1.1.3 For the purposes of this schedule, the term:

Commission means the Essential Services Commission established under the *Essential Services Commission Act 2002*.

licensee means (Name of applicant)⁸

2 Disturbance ride through capability

2.1 Disturbance ride-through (voltage phase angle shift)

2.1.1 The generating system of the licensee must not include any vector shift or similar relay/protective function acting upon voltage phase angle, which might operate for phase angle changes less than 20 degrees.

3 System strength

3.1 System strength

3.1.1 Individual components of plant within the generating system of the licensee, which includes but is not limited to generating units and dynamic reactive power plant, must be capable of operating down to the following levels at the high voltage terminals in relation to each component:

- (a) minimum short circuit ratio of 1.5, and
- (b) minimum positive sequence X/R ratio of 2.

4 System restoration

4.1 System restoration

4.1.1 Where sufficient minimum fault level is available from online synchronous machines, the

⁷ The numbering convention of the conditions retains the numbering convention of the 2017 model licence conditions as amended in the 2019 Report [Licensing Arrangements for Generators in South Australia](#)

⁸ To be inserted by the Commission at the time the licence is issued.

generating system of the licensee must have the following capability in the event of a black system:

- (a) the generating system must be capable of operation with auxiliary loads only for X^9 minutes while system load is being restored, and
- (b) the generating system, including, but not limited to, each of its generating units and dynamic reactive power plant (as applicable) must have the capability to provide steady-state and dynamic reactive power when operating with auxiliary loads only for X^{10} minutes while system load is being restored.

⁹ The exact duration will be specified by the Commission at the time the licence is issued.

¹⁰ The exact duration will be specified by the Commission at the time the licence is issued.



The Essential Services Commission
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