



**ELECTRICITY INDUSTRY ACT 2000
APPLICATION FOR ELECTRICITY GENERATION AND SALE LICENCE**

Berrybank Development Pty Ltd (ACN 146 466 882)

RECORD OF DECISION

1 July 2020

SUMMARY

Pursuant to the provisions of section 19(1) of the Electricity Industry Act 2000 (Vic) (Industry Act) the Essential Services Commission (the commission) has granted Berrybank Development Pty Ltd (ACN 146 466 882) (**Berrybank**) a licence to generate electricity for supply or sale, and to sell electricity at the Berrybank wind farm located in Corangamite and Golden Plains Shires approximately 14km east of Lismore and 16km west of Cressy in south-western Victoria.

BACKGROUND

Requirement to obtain a Licence

Section 16(1) of the Industry Act provides that a person must not engage in the generation of electricity for supply or sale or the transmission, distribution, supply or sale of electricity unless the person is:

- (a) the holder of a licence authorising the relevant activity; or
- (b) is exempted from the requirement to obtain a licence in respect of the relevant activity.

Entitlement to apply for a Licence

Section 18(1) of the Industry Act provides that a person may apply to the commission for a licence authorising the person to generate electricity for supply or sale and to sell electricity.

The applicant

On 8 January 2020, Berrybank submitted an application to the commission for a licence authorising it to generate electricity for supply or sale, and to sell electricity.

The application

Consistent with the requirements of the commission's 'Guide to Applications for Electricity Industry and Gas Industry Licences', Berrybank provided the commission with comprehensive documentation supporting the application.

In particular, Berrybank presented information to provide assurance concerning its technical capacity.

On 2 June 2020, the commission published a copy of the application, and invited interested parties to make submissions in respect of the application.

The commission did not receive any submissions regarding the application.

CONSIDERATION OF THE APPLICATION

Section 19(1) of the Industry Act provides that the commission may grant or refuse the application for any reason it considers appropriate, having regard to the objectives of the commission under the provisions of the Industry Act and the Essential Services Commission Act 2001 (Vic) (Commission Act).

DECISION

The commission is satisfied that:

- Berrybank has the technical capacity to comply with the conditions of the licence to be granted; and
- Berrybank is a fit and proper person to hold a licence to generate electricity for supply or sale, and to sell electricity in Victoria.

In accordance with Section 19(1) of the Industry Act, and having regard to its objectives under the Commission Act and the Industry Act, the commission has decided to grant Berrybank a licence to generate electricity for supply or sale, and to sell electricity. This authorisation granted by the licence is limited to the generation of electricity at the Berrybank wind farm, the Berrybank wind farm located in Corangamite and Golden Plains Shires approximately 14km east of Lismore and 16km west of Cressy in south-western Victoria, and the sale of electricity generated by this facility through the wholesale market.

THE COMMON SEAL
of **THE ESSENTIAL**
SERVICES COMMISSION
was affixed pursuant to the
authority of the commission
on 14 July 2020



Kate Symons
Chairperson

