Victoria Government Gazette

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Electricity Industry Act 2000

ELECTRICITY LICENCE EXEMPTION FOR SUSTAINABLE BUSINESS ENERGY SOLUTIONS PTY LTD

Order in Council

The Governor in Council under section 17 of the **Electricity Industry Act 2000** makes the following Order:

PART 1 PRELIMINARY

1. Objectives

The objective of this Order is to exempt Sustainable Business Energy Solutions Pty Ltd from the requirement to obtain licences under section 16 of the Act for the operation of microgrids at the relevant sites.

2. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

3. Definitions

Act means the **Electricity Industry Act 2000**.

AEMO has the same meaning as in the Act.

business day means a day other than a Saturday, Sunday or a public holiday in Victoria.

change of control occurs in relation to the exempt person if:

(a) an entity that controls the exempt person ceases to control the exempt person; or

(b) an entity that does not control the exempt person starts to control the exempt person;

provided that no change of control will be deemed to have occurred where the ultimate holding company that controls the exempt person remains the same or the change in control results from the acquisition or cancellation of, or dealing in, securities which are traded on a recognised financial market.

Code of Practice means the Electricity Distribution Code of Practice made by the Commission under Part 6 of the **Essential Services Commission Act 2001**, as amended by the Commission from time to time.

Commission means the Essential Services Commission established under section 7 of the **Essential Services Commission Act 2001**.

control has the same meaning given in section 50AA of the **Corporations Act 2001** (Cth).

distribution company has the same meaning as in the Act.

distribution system has the same meaning as in the National Electricity Rules.

embedded generating unit has the same meaning as in the National Electricity Rules.

exempt network means a private electricity network operated by the exempt person in accordance with this Order.

exempt person means Sustainable Business Energy Solutions.

large customer means a business customer to whom peak demand of not less than 500 kVa, or consumption of not less than 160 MWh per annum is distributed, supplied or sold for commercial or industrial purposes.

licensed retailer means the holder of a licence to sell electricity under the Act otherwise than through the wholesale electricity market.

Minister means the Minister responsible for administering the Act.

National Electricity Rules means the National Electricity Rules made under the National Electricity Law which applies as law in Victoria by virtue of section 6 of the **National Electricity (Victoria) Act 2005**.

onsite renewable energy facility means a facility that generates electricity by utilising renewable energy sources or converting renewable energy sources into electricity, and that is connected to an exempt network at a relevant site.

Registered Aboriginal Parties has the same meaning as in the **Aboriginal Heritage Act 2006**.

relevant sites means any one or more of the sites identified in Schedule 1 of this Order.

relevant solar embedded generating unit means a solar photovoltaic embedded generating unit with a capacity greater than 200 kilovolt-amperes (kVA) and no more than 30 megavolt-amperes (MVA), for which the exempt person establishes or alters a connection to the distribution system.

renewable energy source has the same meaning as in the **Renewable Energy (Jobs and Investment) Act 2017**.

Sustainable Business Energy Solutions means Sustainable Business Energy Solutions Pty Ltd (ACN 131 625 600).

Traditional Owner has the same meaning as in the **Aboriginal Heritage Act 2006**.

ultimate holding company has the same meaning given in section 9 of the **Corporations Act 2001** (Cth).

PART 2 EXEMPTIONS

Division 1 Multiple activity exemptions

4. Exemption of Sustainable Business Energy Solutions

(1) Sustainable Business Energy Solutions is exempt from the requirement to hold a licence under section 16 of the Act for the following activities at the relevant sites:

(a) generating electricity for supply or sale, or for supply and sale on:

(i) premises not owned or occupied by the exempt person; or

(ii) a portion of premises occupied by the exempt person for the purpose of the generation and distribution, where the premises are not owned by the exempt person and the remainder of the premises is not occupied by the exempt person; and

(b) distributing and supplying or selling, or supplying and selling, metered electricity:

(i) to a large customer who owns or occupies the premises on which the generation occurs; or

(ii) to a licensed retailer.

(2) The exemption under subclause (1) is subject to the conditions set out in Division 2 of Part 2 of this Order.

Division 2 Conditions

5. Registration

It is a condition of exemption under this Order that the exempt person must be registered in the register of exempt persons made under section 33C of the Act in respect of the activities described in clauses 4(1)(a) and 4(1)(b).

6. Change of Control

(1) It is a condition of exemption under this Order that the exempt person must provide to the Minister and the Commission a notice in writing if any event occurs, any decision by the exempt person is made, or any other circumstance exists that will result in a change of control.

(2) The notice required under clause 6(1) must:

(a) set out the particulars of the relevant event, decision or circumstance; and

(b) be given to the Minister and to the Commission as soon as practicable and in any case not later than 3 business days after the exempt person becomes aware of the event or circumstance or makes the decision.

7. Generating capacity

It is a condition of an exemption under this Order that the installed or nameplate generating capacity of the generator or generators at each of the relevant sites is less than 30 MW.

8. Financially responsible market participant

It is a condition of an exemption under this Order that:

(a) the exempt person is not the financially responsible market participant for the relevant sites; and

(b) the financially responsible market participant for the relevant sites is a licensed retailer.

9. Wholesale market registration

It is a condition of an exemption under this Order that the exempt person is not registered in the wholesale electricity market for the purposes of purchasing electricity.

10. Sale of output of generation

It is a condition of an exemption under this Order that:

(a) some or all of the output of the relevant generator or generators must be sold to the large customer who owns or occupies the premises on which the generation occurs; and

(b) any output of the relevant generator or generators not sold to the large customer who owns or occupies the premises on which the generation occurs must be supplied or sold to a licensed retailer.

11. Renewable energy generation

It is a condition of an exemption under this Order that the exempt person must ensure that 95 per cent or more of the electricity which the exempt person generates at the relevant sites in each calendar year is generated by means of onsite renewable energy facilities.

12. Network security and emergency backstop

(1) It is a condition of an exemption under this Order that the exempt person must:

(a) ensure that the relevant solar embedded generating unit at each relevant site for which the exempt person establishes or alters a connection to the distribution system has the capability to be remotely interrupted or curtailed; and

(b) comply with any action, direction or instruction of the relevant distribution company to interrupt or curtail generation or export from a relevant solar embedded generating unit at each relevant site when the distribution company is:

(i) directed to do so by AEMO, or another person lawfully authorised by AEMO to issue a direction, under the National Electricity (Victoria) Law or National Electricity Rules; or

(ii) carrying out tests to satisfy that the distribution company is capable of remotely interrupting or curtailing electricity generation as required under the Ministerial Order Specifying Licence Condition 2023 (No. 1) under sections 33AB(1)(a) and 33AC(1)(c) of the Act, published in the Government Gazette No. 542 on Wednesday 11 October 2023.

13. Engagement with Traditional Owners and First Peoples

(1) It is a condition of an exemption under this Order that before commencing construction or installation works at a relevant site, the exempt person must engage with the relevant Traditional Owner group or Registered Aboriginal Party for the area in which the relevant site is located.

(2) The engagement referred to in subclause (1) must:

(a) occur as early as reasonably practicable during project conception, planning and development;

(b) provide timely and transparent information about the proposed project, including its potential impacts, risks, benefits and opportunities for participation; and

(c) provide a reasonable opportunity for the relevant Traditional Owner group or Registered Aboriginal Party to identify matters relating to cultural heritage as per the **Aboriginal Heritage Act 2006**, self-determined aspirations, employment, training, procurement or other economic participation opportunities associated with the project.

14. Provision of information to Minister or Commission

(1) It is a condition of an exemption under this Order that the exempt person must provide:

(a) to the Minister (whether or not through an agent) any information requested by the Minister; or

(b) to the Commission (whether or not through an agent) any information requested by the Commission, that the Minister or the Commission (as the case requires) requests for the administration of this Part.

(2) It is a condition of an exemption under this Order that the exempt person must provide the Commission, on request, with information regarding the scale and nature of the exempt person's activities to which the exemption applies.

15. Compliance with the Code of Practice

(1) It is a condition of an exemption under this Order that the exempt person must comply with the clauses of the Code of Practice specified in the table below:

	Obligation type	Clause of the Code of Practice
1	Asset management and planning	19.2.1(a), 19.2.1(b)
2	Quality of supply	20.4.1, 20.4.2, 20.4.3, 20.4.4, 20.4.5, 20.4.6, 20.5, 20.6.1, 20.6.2, 20.6.3, 20.7, 20.8, 20.9, 20.10
3	Embedded generating units	21.2, 21.3, 21.4, 21.5, 21.6, 21.7, 21.8, 21.9

(2) For the purposes of paragraph (1) of this clause, a reference to an exempt distributor in the Code of Practice is to be taken to be a reference to the exempt person.

16. Compliance system

It is a condition of an exemption under this Order that the exempt person must maintain a system for monitoring compliance with the Act, the Code of Practice, and the conditions of this Order.

Dated: 13 October 2026

Responsible Minister:

JACLYN SYMES MP
Minister for Energy and Resources

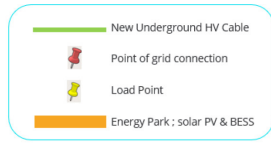
SHELBY RAE
Clerk of the Executive Council

SCHEDULE 1

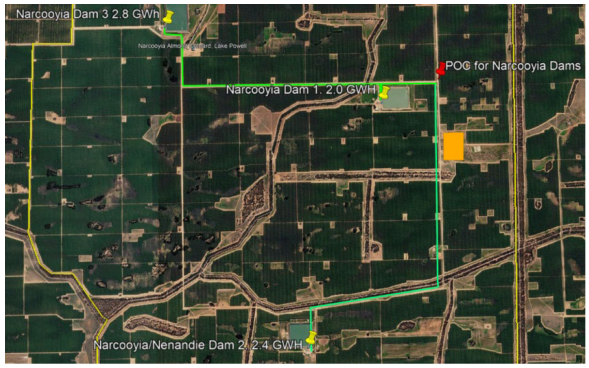
The relevant sites for the purposes of this Order are:

(1) The onsite renewable energy facility at the Carwap processing plant located at Lot 6, Carwarp Road, Carwarp, VIC 3494, shown indicatively in the image below:

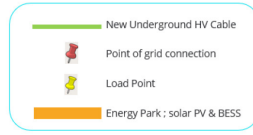
System Description	
NMI current HV	6203835954
Address	Lot 6, Carwarp Road, Carwarp, VIC 3494
Energy Park Site	9 Ha
Solar	5.5 MW
Storage	2.5 MVA / 5.0 MWh
Gensets	None
HV Lines	2km



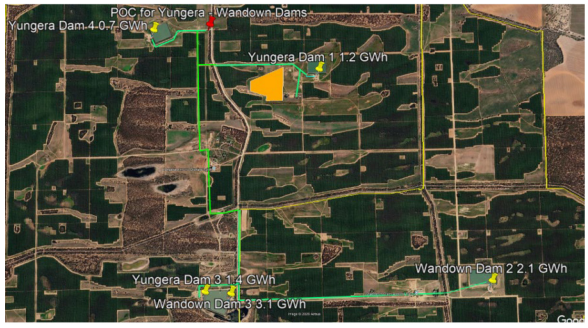
(2) The onsite renewable energy facility at Narcooyia Dams located at Narcooyia Almond Orchard, 1633 Murray Valley Highway, Boundary Bend, VIC 3599, shown indicatively in the image below:



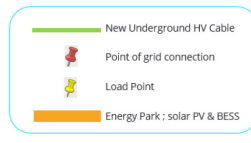
System Description	
Existing pumping LV NMI	6203712514 6203714343 6203714342
Address	Narcooyia Almond Orchard, 1633 Murray Valley Highway, Boundary Bend, VIC 3599
Parish	Nenandie
Energy Park Site	7 Ha
Solar	4.8 MW
Storage	3.9 MVA / 5.0 MWh
Gensets	4.4 MVA
HV Lines	3.5km



(3) The onsite renewable energy facility at Yungera and Wandown Dams located at 340 Paul Lane, Boundary Bend, VIC 3599, shown indicatively in the image below:



System Description	
Existing pumping LV NMI	6203666246 6203679834 6203666242 6203700739 6203679832
Address	340 Paul Lane, Boundary Bend, VIC 3599
Parish	Yungera
Energy Park Site	8 Ha
Solar	5.4 MW
Storage	4.3 MVA / 5.6 MWh
Gensets	4.9 MVA
HV Lines	10.3 km



(4) The onsite renewable energy facility at Liparoo and Mitchells Dams located at 150 Hill Road, Wemen, VIC 3549, shown indicatively in the image below:

System Description	
Existing pumping LV NMI	6203009098 6203008787 6203736663
Address	150 Hill Road, Wemen, VIC 3549
Parish	Liparoo
Energy Park Site	5 Ha.
Solar	5.5 MW
Storage	2.9 MVA / 3.7 MWh
Gensets	3.2 MVA
HV Lines	7 km

New Underground HV Cable
Point of grid connection
Load Point
Energy Park ; solar PV & BESS

(5) The onsite renewable energy facility at Carina located at Carina 13 Almond Orchard, 4444 Robinvale Hattah Road, Wemen VIC 3549, shown indicatively in the image below:

System Description	
Existing pumping LV NMI	6203692476 River 6203645448 Dam
Address	Carina 13 Almond Orchard, Robinvale Hattah Road, Wem 3549
Parish	Annuello
Energy Park Site	2 Ha
Parish	
Solar	1.2 MW
Storage	1 MVA / 1.3 MWh
Gensets	1 MVA
HV Lines	6km

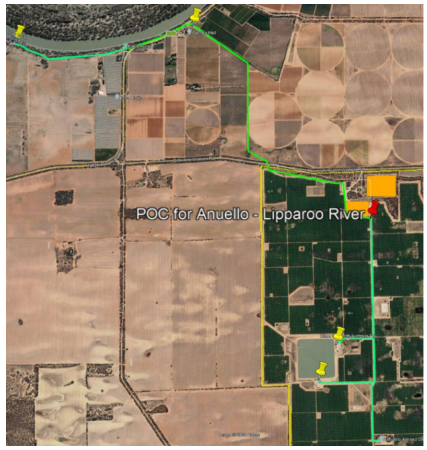
New Underground HV Cable
Point of grid connection
Load Point
Energy Park ; solar PV & BESS

(6) The onsite renewable energy facility at Westmores located at 8845 Murray Valley Highway, Boundary Bend VIC 3599, shown indicatively in the image below:

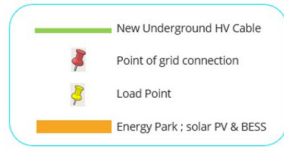
System Description	
Existing LV NMI	6203725301
Address	8845 Murray Valley Highway, Boun Bend VIC 3599
Parish	Narrung
Energy Park Site	2 Ha
Solar	1.3 MW
Storage	1 MVA / 1.3 MWh
Gensets	1.1 MVA
HV Lines	3.0 km

New Underground HV Cable
Point of grid connection
Load Point
Energy Park ; solar PV & BESS

(7) The onsite renewable energy facility at Annuello and Liparoo River located at 1813 Annuello-Wemen Rd, Wemen VIC 3549, shown indicatively in the image below:

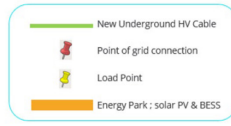


System Description	
Existing LV pumping NMI	6203744285 6203744286 6203744203 VCCCRG0015
Address	1813 Annuello-Wemen Rd, Wemen, VIC 3549
Parish	Wemen & Liparoo
Energy Park Site	8 Ha
Solar	5.7 MW
Storage	4.6 MVA / 6.0 MWh
Gensets	5.2 MVA
HV Lines	9.0 km

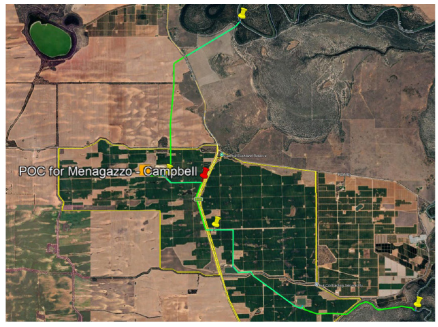


(8) The onsite renewable energy facility at Narcooyia River and Wandon River located at 340 Paul Lane, Boundary Bend, VIC 3599, shown indicatively in the image below:

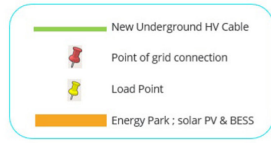
System Description	
Existing LV pumping NMI	6203712711 6203803178 6203984682
Address	340 Paul Lane, Boundary Bend, VIC 3599
Parish	Yungera
Energy Park Site	9 Ha
Solar	6.0 MW
Storage	4.8 MVA / 6.2 MWh
Gensets	5.5 MVA
HV Lines	5.0 km



(9) The onsite renewable energy facility at Menegazzo and Campbell located at 83 Forster Rd, Kooloonong VIC 3597, shown indicatively in the image below:



System Description	
Existing Pumping NMI	6203739490 6203818761 6203763048 6203739488 6203739487
Address	83 Forster Rd, Kooloonong VIC, 3597
Parish	Piambie
Energy Park Site	9 Ha
Solar	6.5 MW
Storage	5.2 MVA / 6.8 MWh
Gensets	5.9 MVA
HV Lines	20 km



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