



Luke Westmore

Partner

Melbourne
+61.3.9205.2107

Luke.Westmore@klgates.com

OVERVIEW

Luke Westmore has over 17 years' experience in complex energy and infrastructure projects.

In addition to his expertise in drafting and negotiating EPC agreements, power purchase agreements, connection agreements and operation and maintenance agreements, he has extensively advised on non-recourse or limited recourse project finance documentation.

His clients include sponsors, lenders, contractors and government agencies on a wide variety of energy and infrastructure projects including wind farms, solar projects, hydroelectric projects, power stations, highways, airports and the development of oil and gas fields across Australia, Africa, Asia, Europe, the United States and the Middle East.

Luke has extensive experience in the renewable energy sector and is acknowledged as one of Australia's leading renewable energy lawyers.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Luke was a partner and special counsel in leading global and national law firms. He has also been a general counsel at a leading Australian renewable energy developer and has advised on many landmark renewable energy deals in Australia and internationally across a broad range of technologies.

ACHIEVEMENTS

- *Best Lawyers in Australia*, listed in Construction and Infrastructure Law (2021-present)
- *Best Lawyers in Australia*, listed in Energy Law (2021-present)
- *Chambers Asia Pacific*, recognised Partner for Infrastructure (2019)
- *The Legal 500 Asia Pacific*, recommended lawyer for Project Development (2018)
- *Lawyers Weekly* 'Partner of the Year Projects, Energy and Resources' finalist (2017)
- *Australasian Lawyer* 'Hotlist' (2016)

PROFESSIONAL / CIVIC ACTIVITIES

- Law Institute of Victoria

SPEAKING ENGAGEMENTS

Luke regularly speaks at conferences and conducts client workshops. Examples of recent speaking engagements include:

- An Overview of Investment Drivers in the Australian Wind Industry, AWEA Windpower Conference, May 20-23, 2019
- Japan Overseas Institute 2018: Key Issues for Offshore Wind Power
- International Project Finance Association 2017: Renewable Energy Projects Negotiation Workshop.
- Australian Clean Energy Summit 2016: Solar Financing
- Australian Wind Energy Conference 2012: Overview of the South African Renewable Energy Program

EDUCATION

- J.D., University of Melbourne, 2002
- Bachelor of Economics, La Trobe University, 1998

ADMISSIONS

- Supreme Court of Victoria

THOUGHT LEADERSHIP POWERED BY HUB

- 26 November 2020, Avoiding Bill Shock: What You Need To Know About The Electricity Infrastructure Investment Bill 2020 (NSW) (*Alerts/Updates*)
- November 2020, 4th Annual Energy Storage Conference: Virtual Edition (*Webinar*)
- 12 November 2020, NSW Government Making 2020 Great Again – The Electricity Infrastructure Roadmap (*Alerts/Updates*)
- 1 June 2020, Australian Government Seeks Feedback on Energy Emissions Technology Investment Roadmap Discussion Paper (*Alerts/Updates*)
- 11 October 2019, K&L Gates recognized in Doyle's Guide rankings in Australia for Energy (*BlogPost*)
- 13 February 2019, Land and Environment Court of NSW – "Wrong Time" for Coal Mine Greenhouse Gas Emissions (*Alerts/Updates*)

NEWS & EVENTS

- 28 February 2020, K&L Gates Advises Wirtgen Invest on Acquisition and Development of Glenrowan West Solar Farm (*Press Release*)
- 31 May 2019, K&L Gates Advises RATCH-Australia on 226MW Collector Wind Farm (*Press Release*)
- 1 February 2019, K&L Gates Advises Signal Energy on 333MW Darlington Solar Farm (*Press Release*)
- 26 October 2018, K&L Gates Advises Belectric on Australia's Largest Solar Project (*Press Release*)
- 29 January 2018, K&L Gates Enhances Energy, Infrastructure and Resources Practice with Appointment of Melbourne Partner Pair (*Press Release*)

AREAS OF FOCUS

- Power
- Construction and Infrastructure
- Energy Storage and Distributed Resources
- Offshore Wind Energy
- Oil and Gas
- Renewables

REPRESENTATIVE EXPERIENCE

- Advising Windlab on its bid to develop the 140MW Msenge Emoyeni Wind Farm Project as part of Round 4 of the REIPP including drafting the EPC and WOM. This will extend to negotiating the full suite of project finance documentation.
- Advising Windlab in relation to the ARENA Funding Agreement for the Kennedy Energy Park.
- Advising Windlab in relation to the development of the AUD40 million Coonooer wind farm (Windlab's first development project in Australia).
- Advising a syndicate of lenders in respect of the AUD160 million refinancing of the Wattle Point wind farm.
- Advising RATCH on the AUD400 million Collector wind farm project in New South Wales.
- Advising RATCH on the AUD500 million Mt Emerald wind farm project in Queensland. When built this will be the largest renewable energy project in Queensland.
- Advising Future Energy on the development of the Maroona wind farm.
- Advised a joint venture between ESCO and Palisade on the 148MW Ross River solar PV project, the largest single stage solar project in Australia.

- Advising Elecnor on the AUD300 million Bungala One and Bungala Two Solar Projects.
- Advising Elecnor on the sale of the Barcaldine I project.
- Acting for the Lenders on the Tbilisi International Airport in Georgia.
- Acting for the Lenders of a AUD170 million loan for a float glass plant in Russia.
- Advising the Sponsor on the AUD600 million Northern Beaches hospital PPP.
- Acting for a Consortium on its bid to design, construct, operate, maintain and toll the AUD2.5 billion Mitcham to Frankston Freeway.
- Advising the Lenders on IFMs bid for the AUD7 billion Queensland Motorway toll assets.
- Advising the Lenders in respect of a bid for the for the AUD1.6 billion Toowoomba Second Range Crossing project.
- Acting for the purchaser of an equity interest in one of the world's largest LNG projects, the AUD5.8 billion Qatargas 3 project.
- Acting for the Lenders in a bid to build, own and operate a AUD500 million gas pipeline in northern Australia.
- Advising a leading international energy company on the Gas Access and Transportation Agreement in respect of gas transportation on the Moomba to Adelaide Pipeline.
- Acting for the borrower on the financing of the AUD872 million Bujagali hydroelectric project in Uganda including reviewing and advising on project finance documentation.
- Advising the developer, Cennergi (a joint venture between Tata Power and Exxaro Resources Limited), on the 95MW Tsitsikamma Wind Farm in South Africa.
- Advising ARENA on the Cookshire solar project.
- Providing advice to Cobra Instalaciones y Servicios in relation to the tender EPC and O&M for the Rollingstone Solar Farm project
- Preparing, negotiating and finalising the EPC contract in relation to the Glenrowan Solar Farm project for Wirtgen Invest Energy
- Preparing a red flag due diligence report for Phelan Energy
- Providing Celeo Concesiones e Inversiones with advice in relation to the Western Victoria Transmission Network project
- Providing legal advice to juwi regarding requirements to have in place as a business to provide third party EPC in Queensland and Victoria
- Providing Mainstream Renewable Power with advice in relation the acquisition of the Alberton 120MN Mid-Stage Wind Project, the St Clair 100MW Early Stage Wind Project, and the Gnotuk 45MW Mid-Stage Wind Project

- Providing EnergyAustralia with advice in relation to an FIRB application, advice on an ACCC confidential review, undertaking due diligence, reviewing the scope of an environmental report and advising on transaction documents
- Providing Signal Energy with advice in relation to the liquidated damages claim with respect to the Finley Solar Project
- Reviewing the EPC and providing comments in respect to the Wellington Solar Farm project for Signal Energy Australia
- Reviewing the EPC and providing comments in respect to the Darlington Solar Project for Signal Energy Australia
- Providing legal advice to Innogy SE in relation to preparing the EPC Contract for the Hillston Solar Project
- Providing ad hoc legal advice regarding Canadian Solar Construction
- Providing non-adverse legal energy contract advice to Canadian Solar MSS
- Providing Sterling and Wilson with an initial review of the EPC with respect to the Gangarri Solar Farm project
- Providing advice and an initial review of the EPC and O&M contracts in relation to the Winton Solar Farm project
- Providing advice and an initial review of the EPC and O&M contracts in relation to the Wellington Solar Farm project
- Providing legal advice to Sterling and Wilson in relation to the Whyalla Solar Farm project
- Providing legal advice to Sterling and Wilson in relation to the EPC and O&M Contracts with respect to the Columboola Solar Farm project
- Preparation of a pro forma Share Purchase Agreement (SPA) with respect to the Glossop Solar Farm
- Provide non-adverse post-completion advice in relation to the Limondale Sun Farm project
- Provide advice to Belectric GmbH in relation to issues concerning current and former Belectric personnel
- Providing Simec Zen Energy with legal advice in relation to the PPA for Talim Bend Solar Farm
- Providing Simec Zen Energy with a term sheet for a short term wind PPA
- Providing legal advice to Simec Zen Energy in relation to the preparation of a Re-allocation Agreement and an Agency Agreement
- Providing advice to Canadian Solar as sponsor in relation to the Suntop Solar Farm project
- Provide legal advice in relation to developing an EPC agreement for Canadian Solar
- Reviewing, drafting, negotiating and finalising the EPC for Canadian Solar

- Reviewing and advising on Supplier Indemnity, Indirect and Consequential Loss and Subcontractor Side Deed in relation to the Merredin Solar Farm project
- Drafting the Supply Contract in relation to the Goonumbla Solar Farm Project
- Review of the Design and Construction Contract in relation to the South East Water project
- Provide legal advice to Canadian Solar in relation to the Carwarp Solar Farm
- Providing an initial review of a potential purchase of the Jemalong Solar PV Project to AMP Solar
- Providing an initial review of a PPA for the Snowy Hydro project to AMP Solar
- Reviewing and providing advice to AMP Solar in relation to the Defined Eligibility Agreement
- Providing GFC Alliance with advice in relation to the Electricity Sale Agreement
- Providing competition law advice to GFC Alliance
- Providing Windland with non-adverse non-project specific advice
- Providing Windlab with legal advice regarding legal due diligence, drafting and review of the EPC Contract, drafting and review of the Warranty, Operations and Maintenance Agreement, drafting and review of the Asset Management Agreement, drafting and review of the Connection Agreement and PPA, and drafting of various finance documents
- Providing Windlab with ongoing legal advice in relation to the Kiata Wind Farm Project
- Providing Ross River Holding with advice in relation to an ongoing project at Ross River Solar Farm
- Preparing a Joint Development Agreement term sheet for RATCH-Australia
- Providing RATCH-Australia with legal advice regarding the Collector Wind Farm
- Provide contract advice to BayWar r.e Pty Ltd in relation to the Ferguson and Diapur Wind Farm projects
- Provide contract advice to BayWar r.e Pty Ltd in relation to the Timboon West and Yawong Balance of Plant Contract
- Providing initial legal advice to Green Light Contractors in relation to the liquidated damages claims for the Bungala Two Solar Farm project
- Providing legal advice to Green Light Contractors in relation to the EPC and O&M Contracts for the Bungala Three Solar Farm project
- Providing legal advice to Green Light Contractors in relation to subcontracts for the Bungala One Solar Farm Project
- Reviewing the EPC in relation to the Sapphire Solar Farm project
- Providing Elecnor with advice in relation to the project bid and preparing a Memorandum of Understanding

- Providing Elecnor with an initial review of the Balance of Plant subcontract in relation to the Clarke Creek Solar Farm project
- Providing Elecnor with an initial review of the EPC and O&M in relation to the New England Solar Farm project
- Providing Elecnor with legal advice in relation to the Great Southern waste-to-energy project
- Providing Elecnor with an initial review of the EPC and O&M in relation to the Yarrabee Solar Farm project
- Providing Elecnor with legal advice in relation to the Cultana Pumped Hydro project
- Providing Elecnor with advice in relation to the requirements and process of obtaining electrical contractor licenses in various Australian states and territories including issues relation to use of foreign and local labour
- Providing Elecnor with legal advice in relation to the potential sale of the Australian Solar Farm project
- Providing Elecnor with legal advice in relation to the Goonumbe Solar Farm project
- Providing Elecnor with non-adverse renewable energy contract legal advice
- Providing legal advice to Enerfin in relation to a Shareholders Agreement between Enerfin and Ironstone
- Provide legal advice to Belectic GmbH on subdivision requirements for long term lease of solar in South Australia
- Provide advice to Canadian Solar, and negotiations with respect to the Shareholder's Agreement for the Suntop Solar Farm project
- Assisting AMP Solar with the transfer of the Australian aspects of the restructuring of the AMP Group
- Providing Windlab with written legal advice in relation to the return of capital with respect to the Kiata Wind Farm project
- Advising an Australian renewable energy company with their development of a greenfield green hydrogen production plant, including long-term hydrogen offtake arrangements (on a delivered basis) to various regional customers.