

# Application for an Electricity Generation Authority

MacIntyre UJV Operator Pty Ltd

Information Paper

March 2024



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## 1. Background

MacIntyre UJV Operator Pty Ltd (the applicant) has applied to the Regulator for a generation authority under section 179 of the *Electricity Act 1994* (the Act). Under the Act, the Regulator is the Director-General of the Department of Energy and Climate (the department), being the chief executive of the department that administers the Act.

The application is for a proposed wind farm – the MacIntyre Wind Farm (MWF), located approximately 40 km southwest of Warwick and 70 km southwest of Toowoomba, falling mainly within the Goondiwindi Regional Council local government area and the Southern Downs Regional Council local government area.

The generation authority, if issued, will authorise the operation of the generating plant and its connection to the transmission network via two internal substations, and one switching station as a point of connection to Tummaville Terminal Station operated by Queensland Electricity Transmission Corporation Limited (Powerlink).

The plant will have a total nameplate rating of 923.4 megawatts (MW) and a maximum of 890 MW at the connection point.

The Owners of MWF will be MacIntyre Wind Farm Pty Ltd and Ark Energy MacIntyre Pty Ltd as an unincorporated joint venture. The applicant will operate the plant and will appoint third party contractors to provide engineering, procurement and construction services, as well as operation and maintenance services.

Subject to receipt of all necessary approvals (including this generation authority), the applicant anticipates the MWF will be complete and operational in the third quarter of 2025.

## 2. Consideration of an Application

Section 180 of the Act provides that the Regulator may issue a generation authority only if satisfied:

- (a) the applicant will operate the generating plant stated in the application;
- (b) the generating plant will be able to provide electricity of a quality suitable for the transmission grid or supply network stated in the application;
- (c) the applicant is a suitable person to be a generation entity;
- (d) the owner or proposed owner of the generating plant (whether or not the applicant) is a suitable person to be the owner; and
- (e) the applicant meets the additional criteria prescribed under a regulation.  
(Note that no additional criteria are prescribed by regulation.)

In deciding whether the applicant is a suitable person to be a generation entity, or the owner or proposed owner of the generating plant (whether or not the applicant) is a suitable person to be the owner, the Act states the Regulator may consider:

- (a) the person's previous commercial and other dealings and the standard of honesty and integrity shown in the dealings;
- (b) any failure by the person to perform commercial or statutory obligations and the reasons for the failure;
- (c) the person's criminal history;
- (d) if the person is a corporation – the matters mentioned in paragraphs (a) to (c) for persons who are shareholders, directors or holders of other interests in the corporation;
- (e) for the applicant – the applicant's competence to be the operator; and
- (f) additional matters prescribed by regulation.  
(Note that no additional matters are prescribed by regulation.)

Further, the Act provides that, in deciding whether to issue the generation authority, the Regulator must consider:

- (a) the objects of the Act;
- (b) relevant government policies about environmental and energy issues and the likely environmental effects of building and operating the generating plant; and
- (c) additional matters prescribed under a regulation.  
(Note that no additional matters are prescribed by regulation).

Section 179A of the Act also stipulates that, before issuing a generation authority, the Regulator must invite interested persons to make submissions about the application for the authority and the Regulator must consider the submissions made.

### **3. The Applicant**

The information set out in sections 3 to 5 of this Information Paper was provided by the applicant as part of its formal application to the Regulator for a generation authority.

The applicant, MacIntyre UJV Operator Pty Ltd, will be the operator of the MWF for the term of the asset lifespan of 25 years. The MWF project is established as an Unincorporated Joint Venture between MacIntyre Wind Farm Pty Ltd and Ark Energy MacIntyre Pty Ltd (UJV), pursuant to an Unincorporated Joint Venture Deed.

MacIntyre Wind Farm Pty Ltd and Ark Energy MacIntyre Pty Ltd will be the owners of the wind farm. MacIntyre Wind Farm Pty Ltd is a wholly owned subsidiary of Acciona Energia Global SL (AEG SL) and part of the ACCIONA Group. Ark Energy MacIntyre Pty Ltd is a wholly owned subsidiary of Ark Energy Corporation Pty Ltd (Ark Energy) and part of Korea Zinc Co., Ltd.

Ark Energy Corporation Pty Ltd is a leading Australian renewable energy company specialising in wind, solar and hydrogen. Ark Energy is a subsidiary of Korea Zinc Co., Ltd, the world's largest producer of zinc, lead and silver and a company with a 25 year history in Australia through its Sun Metals Corporation Pty Ltd zinc refinery in Townsville. Korea Zinc has committed to powering its global operations through 100% renewable energy by 2050.

The ACCIONA Group operates actively worldwide and owns and operates a mixed portfolio of renewable energy assets including wind, solar photovoltaic (PV), solar thermal, hydro and biomass, in more than 16 countries with further projects under construction.

The ACCIONA Group has constructed and owns wind farms in Australia including at Gellibrand and Waubra in Victoria, Gunning in New South Wales and Cathedral Rocks (jointly owned with Energy Australia) in South Australia.

The UJV participants have engaged Acciona Energy Oceania Construction Pty Ltd (AEOC), a related entity of MWF Co, as the principal contractor for the construction and commissioning of MWF. For the MWF, the ongoing operation and maintenance activities will be contracted to third parties.

## **4. The proposed generating plant**

The proposed generating plant will be known as the MacIntyre Wind Farm.

The MWF will be located on multiple lots at 1558 Carbean Road, Cement Mills, Queensland, approximately 40 km southwest of Warwick and approximately 70 km southwest of Toowoomba.

The MWF will have a total nameplate rating of 923.4 MW consisting of up to 162 wind turbines at 5.7 MW capacity each. The maximum export capacity of the project will be 890 MW.

Acciona Energy Australia Global Pty Ltd has a Connection and Access Agreement in place with Powerlink to connect the wind farm to the transmission grid. Two dedicated connection assets will connect to the MacIntyre Switching Station with a designated network asset connecting the wind farm to the Tummaville Terminal Station for grid transmission.

The applicant is in the process of seeking generator registration with the Australia Energy Market Operator.

## **5. Approvals for construction of the generating plant**

A generation authority issued under the Act authorises its holder to operate the MWF and connect it to the transmission grid or supply network.

It should be noted that a generation authority does not authorise or approve the construction of the generating plant and, indeed, that is not a matter within the jurisdiction of the Act or the Regulator. Section 26(2) of the Act states:

*‘a generation authority does not relieve its holder or anyone else from complying with laws applying to the development, building, operation or maintenance of generating plant’.*

The proponent of the project has the responsibility to obtain all approvals necessary for construction and ongoing operation of the MWF, including relevant environmental, cultural heritage and local government approvals.

All relevant development approvals have been obtained by the proponent.

The Applicant made an application through the State Assessment and Referral Agency (SARA) for a Development Permit for the MWF in 2021. SARA is responsible for assessing development applications which may affect a state interest such as heritage places, state transport corridors or the clearing of certain vegetation. SARA approved the application in 2021 and amendments in 2022.

The Department of Environment and Energy (Commonwealth) assessed the construction and operation of the MWF and approved the application in accordance with the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* with the inclusion of conditions.

Acciona Energy Australia Global Pty Ltd, a subsidiary of Acciona S.A, the parent company of MacIntyre UJV Operator Pty Ltd, has obtained cultural heritage plans with both the Githabul Nation Aboriginal Corporation and the Kambuwal Aboriginal Corporation for Culture Heritage and Land ICN 3012, under the *Aboriginal Cultural Heritage Act 2002*.

## 6. Submissions

Submissions are invited from interested persons in relation to the application for a generation authority from MacIntyre UJV Operator Pty Ltd.

In particular, the Regulator is interested in matters that may impact on the suitability of the applicant to be a generation entity, as well as the other issues the Regulator must consider under the Act.

Please note that private personal and commercial-in-confidence information contained within a submission may be provided to a third party for the purpose of consideration of the application. In the case where the Regulator provides an opportunity for an applicant to respond to matters raised in a submission, the private personal information and commercial-in-confidence information of the person making the submission will not be provided to the applicant. The State of Queensland through the Department of Energy and Climate has taken steps to ensure the appropriate treatment of such information by departmental staff and contractors. By submitting a submission, you agree that your submission will be used by the Department and its contractors in reviewing and processing the applications.

All private personal and commercial-in-confidence information will be stored at the office of the Department, and in accordance with the relevant privacy legislation.

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If you have any questions or queries you can email the Department's privacy unit at  
[RTI-Privacy@epw.qld.gov.au](mailto:RTI-Privacy@epw.qld.gov.au).

Submissions must be made in writing, and sent by email or mail to:

Mail

Attention: The Manager  
Regulation  
Department of Energy and Climate  
PO Box 15456  
CITY EAST QLD 4002  
Phone: 13 43 87

Email

[energy.regulation@epw.qld.gov.au](mailto:energy.regulation@epw.qld.gov.au)

**Closing date for submissions is 5.00pm on 26 April 2024.**