



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

**Diapur Wind Farm Pty Ltd (ACN 604 213 309)**

**RECORD OF DECISION**

**1 September 2021**

## 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 Diapur Wind Farm Pty Ltd (ACN 604 213 309) a licence to generate electricity for supply or sale, and to sell electricity at the Diapur Wind Farm located approximately 19 km west of Nhill, 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 19 April 2021, Diapur Wind Farm Pty Ltd submitted an application to the commission for a licence authorising it to generate electricity for supply or sale, and to sell electricity to the wholesale electricity market.

### *The application*

Consistent with the requirements of the commission's 'Guide to Applications for Electricity Industry and Gas Industry Licences', Diapur Wind Farm Pty Ltd provided the commission with necessary documentation supporting the application.

In particular, Diapur Wind Farm Pty Ltd presented information to provide assurance concerning its technical capacity.

On 29 July 2021, 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:

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

Section 19(3) of the Industry Act provides that the commission does not have to be satisfied as to the applicant's financial viability if the applicant is applying for a licence which includes a condition requiring compliance with the National Electricity Rules and the Rules include prudential requirements.

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 Diapur Wind Farm Pty Ltd 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 Diapur Wind Farm located approximately 19 km west of Nhill, 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 1 September 2021

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Kate Symons  
Chairperson

