

# Report to the Legislative Assembly

Directions under section 95 of the Planning Act 2016 – three undecided wind farm applications



The Department of State Development, Infrastructure and Planning connects industries, businesses, communities and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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Source number D25/10446

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# 1.0 Introduction

On 16 January 2025, I, as Planning Minister, directed the Chief Executive of the *Planning Act 2016* (the Planning Act) to not decide three then undecided wind farm applications for a period of four months.

Pursuant to section 97(2) of the Planning Act, this report:

- explains the nature of my direction and the matters I considered in making the direction; and
- includes a copy of my direction (**Annexure A**).

Section 97(2) of the Planning Act requires that I table a copy of this report in the Legislative Assembly within 14 sitting days after I gave the direction.



## 2.0 Directions

On 16 January 2025, I exercised my Ministerial direction powers outlined in Chapter 3, Part 6, Division 2, Section 95 of the Planning Act. I, by Gazette Notice, directed the decision-maker (being the Chief Executive of the Planning Act) to not to decide three then undecided applications, within a stated period of four months.

A copy of the Gazette Notice including my reasons for the direction is at **Annexure A**.

The three then undecided wind farm applications the subject of the direction are described below:

1. Windlab's Wongalee wind farm

- Development:
  - material change of use for a wind farm of up to 175 wind turbines and ancillary infrastructure
  - operational work for clearing native vegetation
- Location: Flinders Shire, 40 kilometres northeast of Hughenden
- Number of turbines: 175 turbines
- Category of assessment: code assessment

2. Theodore Energy Development's Theodore wind farm

- Development:
  - material change of use for a wind farm (up to 170 wind turbine generators and ancillary infrastructure including a battery energy storage system (BESS))
  - operational work for clearing native vegetation
- Location: Banana Shire, 50 kilometres south of Biloela
- Number of turbines: 170 turbines
- Category of assessment: code assessment

3. Windlab's subsidiary's Bungaban wind farm

- Development:
  - material change of use for a wind farm (up to 204 wind turbine generators and ancillary infrastructure including a battery energy storage system (BESS) up to 350MW)
  - operational work for clearing native vegetation
- Location: Western Downs, 35 kilometres northeast of Wandoan
- Number of turbines: 204 turbines
- Category of assessment: code assessment

I subsequently issued further directions on 5 March 2025 and 4 April 2025, in relation to two of the then undecided wind farm applications, being the Windlab's subsidiary's Bungaban wind farm and Windlab's Wongalee wind farm, requiring the Chief Executive to decide these applications within 12 and 26 business days respectively. The Bungaban application has since been approved with conditions, and a decision on the Wongalee wind farm is due by 16 May 2025. A report to the Legislative Assembly in relation to these subsequent directions will be tabled separately.



## 3.0 Matters considered

Prior to giving the direction under section 95 of the Planning Act, I was provided with a Briefing Note and attachments, including:

- Preliminary Assessment Report, prepared by officers of the Department of State Development, Infrastructure and Planning
- Draft gazette notice including reasons
- Human rights assessment.

The State interests for which the direction was given are:

1. An interest that affects the economic or environmental interest of the State or part of the State; and
2. The interest of ensuring the Planning Act purpose is achieved.

The reasons for the direction are as follows:

- (a) Each of the developments the subject of the applications, involve or are likely to involve, the State interests set out above in particular, State interests articulated in the relevant regional plans and the State Planning Policy 2017 (SPP).
- (b) The SPP underscores planning's role in economic growth, supporting both traditional and emerging sectors by:
  - a. emphasising the importance of providing a safe, reliable, and affordable supply of energy for a sustainable Queensland.
  - b. highlighting the importance of safeguarding biodiversity through informed planning and development decisions.
  - c. ensuring that planning supports community needs and promotes innovative responses to challenges.
- (c) The proposed developments fall within the *North West Regional Plan 2010*, *Central Queensland Regional Plan 2013* and *Darling Downs Regional Plan 2013*. Each support growth of energy infrastructure where environmental and social values are protected.
- (d) The proposed developments are each for significant wind farms with a large number of turbines and ancillary infrastructure, and substantial clearing. More specifically:
  - a. The applications are for respectively 170, 175 and 204 turbine wind farm developments together with various types of ancillary infrastructure.
  - b. Extensive clearing of native vegetation is proposed for all projects.
  - c. Each wind farm requires haulage of construction materials and wind farm infrastructure across Queensland's transport network.
- (e) Each of the developments are complex and significant projects in relation to their respective potential social, economic and environmental impacts.
- (f) Each development application is subject to code assessment under the Planning Act, not requiring statutory public notification.
- (g) Planning has a role in economic growth, supporting both traditional and emerging sectors through emphasising the importance of a sustainable energy supply, safeguarding biodiversity and supporting community needs, as reflected in the SPP and the relevant regional plans.
- (h) Accordingly, I considered each application requires proper assessment under the Planning Act, including but not limited to, relevant infrastructure, environmental and community considerations.

- (i) The direction suspended the assessment of the applications, to allow the consideration of the assessment framework that applies to each application having regard to the purpose of the Planning Act to provide an efficient, effective, transparent, integrated, coordinated, and accountable planning system.
- (j) Each of the three development applications were at the time under assessment by the assessment manager and had not yet been decided, and therefore the exercise of the discretion at that time to suspend the assessment was appropriate.

## 4.0 Conclusion

After considering the above matters, I decided to give the direction to the Chief Executive of the Planning Act to not decide three then undecided wind farm applications for a period of four months.

The direction suspended the assessment of these applications, to allow me time to consider the assessment framework that applies to each application having regard to the purpose of the Planning Act to provide an efficient, effective, transparent, integrated, coordinated, and accountable planning system.

Dated: 14/5/15



JARROD BLEIJIE MP

DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning

Minister for Industrial Relations



## **Annexure A: Section 95 Direction Gazette Notice**



# Queensland Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

ISSN 0155-9370

**VOL. 398]**

**THURSDAY 16 JANUARY 2025**

**[No. 4**

*Planning Act 2016*

### DIRECTION TO CHIEF EXECUTIVE OF THE *PLANNING ACT 2016* – CURRENT APPLICATIONS

I, the Honourable Jarrod Bleijie MP, Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations, direct, pursuant to section 95 of the *Planning Act 2016* (the *Planning Act*), the Chief Executive of the *Planning Act* (Chief Executive) to not decide the applications (the applications) stated in the Schedule for a period of 4 months (the Stated Period) after the date this direction was gazetted.

I note that I may call in the applications or give a further direction within the Stated Period. I may not call in any of the applications after the Stated Period ends.

The state interests for which this direction is given are –

- (a) an interest that affects an economic or environmental interest of the State or part of the State; and
- (b) the interest of ensuring the *Planning Act* purpose is achieved.

The reasons for the direction are –

- (a) Each of the developments the subject of the applications, involve or are likely to involve, the State interests set out above in particular, State interests articulated in the relevant regional plans and the State Planning Policy 2017 (SPP).
- (b) The SPP underscores planning's role in economic growth, supporting both traditional and emerging sectors by:
  - a. emphasising the importance of providing a safe, reliable, and affordable supply of energy for a sustainable Queensland.
  - b. highlighting the importance of safeguarding biodiversity through informed planning and development decisions.
  - c. ensuring that planning supports community needs and promotes innovative responses to challenges.
- (c) The proposed developments fall within the North West Regional Plan 2010, Central Queensland Regional Plan 2013 and Darling Downs Regional Plan 2013. Each support growth of energy infrastructure where environmental and social values are protected.
- (d) The proposed developments are each for significant wind farms with a large number of turbines and ancillary infrastructure, and substantial clearing. More specifically:
  - a. The applications are for respectively 170, 175 and 204 turbine wind farm developments together with various types of ancillary infrastructure.
  - b. Extensive clearing of native vegetation is proposed for all projects. The Wongalee wind farm proposes to clear 2172 ha, Theodore wind farm proposes to clear 1932 ha and Bungaban wind farm proposes to clear 6.7 ha.
  - c. Each wind farm requires haulage of construction materials and wind farm infrastructure across Queensland's transport network.
- (e) Each of the developments are complex and significant projects in relation to their respective potential social, economic and environmental impacts.
- (f) Each development application is subject to code assessment under the *Planning Act* and do not require public notification.
- (g) Planning has a role in economic growth, supporting both traditional and emerging sectors through emphasising the importance of a sustainable energy supply, safeguarding biodiversity and supporting community needs, as reflected in the SPP and the relevant regional plans.

- (h) Accordingly, I consider each application requires proper assessment under the Planning Act, including but not limited to, relevant infrastructure, environmental and community considerations.
- (i) This direction suspends the assessment of these applications, to allow the consideration of the assessment framework that applies to each application having regard to the purpose of the Planning Act to provide an efficient, effective, transparent, integrated, coordinated, and accountable planning system.
- (j) Each of the three development applications are currently under assessment by the assessment manager and have not yet been decided, and therefore the exercise of the Planning Minister's discretion at this time to suspend the assessment is appropriate.
- (k) Before deciding to issue this direction, I was provided with briefing material by the Department of State Development, Infrastructure and Planning.

#### SCHEDULE

State Assessment and Referral Agency reference:	Applicant details	Location details	Application details
2407-41277 SDA	<ul style="list-style-type: none"> <li>Applicant name: Wongalee Renewable Energy Farm Pty Ltd c/- Environmental Resources Management Australia Pty Ltd</li> </ul>	<ul style="list-style-type: none"> <li>Street address: 32161 Kennedy Developmental Road, Porcupine</li> <li>Real property description: 4WNG27</li> <li>Local government area: Flinders Shire Council</li> </ul>	<ul style="list-style-type: none"> <li>Development permit:               <ul style="list-style-type: none"> <li>Material change of use for a wind farm of up to 175 wind turbines and ancillary infrastructure</li> <li>Operational work for clearing native vegetation</li> </ul> </li> </ul>
2409-41961 SDA	<ul style="list-style-type: none"> <li>Applicant name: Theodore Energy Development Pty Ltd C/- Environmental Resources Management Australia Pty Ltd</li> </ul>	<ul style="list-style-type: none"> <li>Street address: 130, 880 and 6364 Coates Road, Castle Creek; and 806 Hamiltons Road, 2011 and 7647 Crowsdale Camboon Road, Lyndale Road, Hamiltons Road, and Defence Road, Camboon</li> <li>Real property description: Lot 1 on RP617748; Lot 19 on DW551; Lot 20 on SP100500; Lot 4 on SP131475; Lot 2 on RP617749; Lot 11 on DW446; Lot 8 on DW2; Lot 18 on DW550; Lot 17 on DW49</li> <li>Local government area: Banana Shire Council</li> </ul>	<ul style="list-style-type: none"> <li>Development permit:               <ul style="list-style-type: none"> <li>Material Change of Use for a Wind Farm (up to 170 wind turbine generators and ancillary infrastructure including a battery energy storage system (BESS))</li> <li>Operational Work for Clearing Native Vegetation</li> </ul> </li> </ul>
2410-43110 SDA	<ul style="list-style-type: none"> <li>Applicant name: Bungaban Renewable Energy Farm Pty Ltd, c/- Environmental Resources Management Australia Pty Ltd</li> </ul>	<ul style="list-style-type: none"> <li>Street address: 1055 Arndts Road, Sujeewong; 2131 and 2402 Red Range Road, Cockatoo; 1909 Big Valley Road and 433 Bocks Road, Bungaban; 1839 and 2438 Knudsens Road and Lot 7 Auburn Road, Auburn; and Knudsens Road, Shacho Road and Big Valley Road</li> <li>Real property description: Lot 1 and 2 on SP321813, Lot 21 and 22 on SP263821, Lot 2 and 4 on FT800, Lot 3 on FT831, Lot 41 and 42 on SP137907, Lot 5 on NT196 and Lot 7 on NT283</li> <li>Local government area: Banana Shire Council and Western Downs Regional Council</li> </ul>	<ul style="list-style-type: none"> <li>Development permit:               <ul style="list-style-type: none"> <li>Material Change of Use for a Wind Farm (up to 204 wind turbine generators and ancillary infrastructure including a battery energy storage system (BESS) up to 350MW)</li> <li>Operational Work for Clearing Native Vegetation</li> </ul> </li> </ul>



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